

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

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

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

**H. R. 748**

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

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

Ordered to lie on the table and to be printed

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

Viz:

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.

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

## 2

TITLE I—KEEPING AMERICAN WORKERS PAID AND EMPLOYED  
ACT

- Sec. 1101. Definitions.
- Sec. 1102. Paycheck protection program.
- Sec. 1103. Entrepreneurial development.
- Sec. 1104. Waiver of matching funds requirement under the women’s business center program.
- Sec. 1105. Loan forgiveness.
- Sec. 1106. Direct appropriations.
- Sec. 1107. Minority business development agency.
- Sec. 1108. Contracting.
- Sec. 1109. United States Treasury Program Management Authority.
- Sec. 1110. Emergency EIDL grants.
- Sec. 1111. Resources and services in languages other than English.
- Sec. 1112. Subsidy for certain loan payments.
- Sec. 1113. Bankruptcy.
- Sec. 1114. Emergency rulemaking authority.

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

## Subtitle A—Unemployment Insurance Provisions

- Sec. 2101. Short title.
- Sec. 2102. Pandemic Unemployment Assistance.
- Sec. 2103. Emergency unemployment relief for governmental entities and non-profit organizations.
- Sec. 2104. Emergency increase in unemployment compensation benefits.
- Sec. 2105. Temporary full Federal funding of the first week of compensable regular unemployment for States with no waiting week.
- Sec. 2106. Emergency State staffing flexibility.
- Sec. 2107. Pandemic emergency unemployment compensation.
- Sec. 2108. Temporary financing of short-time compensation payments in States with programs in law.
- Sec. 2109. Temporary financing of short-time compensation agreements.
- Sec. 2110. Grants for short-time compensation programs.
- Sec. 2111. Assistance and guidance in implementing programs.
- Sec. 2112. Waiver of the 7-day waiting period for benefits under the Railroad Unemployment Insurance Act.
- Sec. 2113. Enhanced benefits under the Railroad Unemployment Insurance Act.
- Sec. 2114. Extended unemployment benefits under the Railroad Unemployment Insurance Act.

## Subtitle B—Rebates and Other Individual Provisions

- Sec. 2201. 2020 recovery rebates for individuals.
- Sec. 2202. Special rules for use of retirement funds.
- Sec. 2203. Temporary waiver of required minimum distribution rules for certain retirement plans and accounts.
- Sec. 2204. Allowance of partial above the line deduction for charitable contributions.
- Sec. 2205. Modification of limitations on charitable contributions during 2020.

## Subtitle C—Business Provisions

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- Sec. 2301. Delay of payment of employer payroll taxes.
- Sec. 2302. Modifications for net operating losses.
- Sec. 2303. Modification of limitation on losses for taxpayers other than corporations.
- Sec. 2304. Modification of credit for prior year minimum tax liability of corporations.
- Sec. 2305. Modifications of limitation on business interest.
- Sec. 2306. Technical amendments regarding qualified improvement property.

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

Subtitle A—Health Provisions

- Sec. 3001. Short title.

PART I—ADDRESSING SUPPLY SHORTAGES

SUBPART A—MEDICAL PRODUCT SUPPLIES

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

SUBPART B—MITIGATING EMERGENCY DRUG SHORTAGES

- Sec. 3111. Prioritize reviews of drug applications; incentives.
- Sec. 3112. Additional manufacturer reporting requirements in response to drug shortages.

SUBPART C—PREVENTING MEDICAL DEVICE SHORTAGES

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

PART II—ACCESS TO HEALTH CARE FOR COVID-19 PATIENTS

SUBPART A—COVERAGE OF TESTING AND PREVENTIVE SERVICES

- Sec. 3201. Coverage of diagnostic testing for COVID-19.
- Sec. 3202. Pricing of diagnostic testing.
- Sec. 3203. Rapid coverage of preventive services and vaccines for coronavirus.

SUBPART B—SUPPORT FOR HEALTH CARE PROVIDERS

- Sec. 3211. Supplemental awards for health centers.
- Sec. 3212. Telehealth network and telehealth resource centers grant programs.
- Sec. 3213. Rural health care services outreach, rural health network development, and small health care provider quality improvement grant programs.
- Sec. 3214. United States Public Health Service Modernization.
- Sec. 3215. Limitation on liability for volunteer health care professionals during COVID-19 emergency response.
- Sec. 3216. Flexibility for members of National Health Service Corps during emergency period.

SUBPART C—MISCELLANEOUS PROVISIONS

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- Sec. 3221. Confidentiality and disclosure of records relating to substance use disorder.
- Sec. 3222. Nutrition services.
- Sec. 3223. Continuity of service and opportunities for participants in community service activities under title V of the Older Americans Act of 1965.
- Sec. 3224. Guidance on protected health information.
- Sec. 3225. Reauthorization of healthy start program.
- Sec. 3226. Importance of the blood supply.

## PART III—INNOVATION

- Sec. 3301. Removing the cap on OTA during public health emergencies.
- Sec. 3302. Priority zoonotic animal drugs.

## PART IV—HEALTH CARE WORKFORCE

- Sec. 3401. Reauthorization of health professions workforce programs.
- Sec. 3402. Health workforce coordination.
- Sec. 3403. Education and training relating to geriatrics.
- Sec. 3404. Nursing workforce development.

## Subtitle B—Education Provisions

- Sec. 3501. Short title.
- Sec. 3502. Definitions.
- Sec. 3503. Campus-based aid waivers.
- Sec. 3504. Use of supplemental educational opportunity grants for emergency aid.
- Sec. 3505. Federal work-study during a qualifying emergency.
- Sec. 3506. Adjustment of subsidized loan usage limits.
- Sec. 3507. Exclusion from Federal Pell Grant duration limit.
- Sec. 3508. Institutional refunds and Federal student loan flexibility.
- Sec. 3509. Satisfactory academic progress.
- Sec. 3510. Continuing education at affected foreign institutions.
- Sec. 3511. National emergency educational waivers.
- Sec. 3512. HBCU Capital financing.
- Sec. 3513. Temporary relief for federal student loan borrowers.
- Sec. 3514. Provisions related to the Corporation for National and Community Service.
- Sec. 3515. Workforce response activities.
- Sec. 3516. Technical amendments.
- Sec. 3517. Waiver authority and reporting requirement for institutional aid.
- Sec. 3518. Authorized uses and other modifications for grants.
- Sec. 3519. Service obligations for teachers.

## Subtitle C—Labor Provisions

- Sec. 3601. Limitation on paid leave.
- Sec. 3602. Emergency Paid Sick Leave Act Limitation.
- Sec. 3603. Regulatory Authorities under the Emergency Paid Sick Leave Act.
- Sec. 3604. Unemployment insurance.
- Sec. 3605. OMB Waiver of Paid Family and Paid Sick Leave.
- Sec. 3606. Paid leave for rehired employees.
- Sec. 3607. Advance refunding of credits.
- Sec. 3608. Expansion of DOL Authority to postpone certain deadlines.

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## Subtitle D—Finance Committee

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

## Subtitle E—Health and Human Services Extenders

## PART I—MEDICARE PROVISIONS

- Sec. 3801. Extension of the work geographic index floor under the Medicare program.
- Sec. 3802. Extension of funding for quality measure endorsement, input, and selection.
- Sec. 3803. Extension of funding outreach and assistance for low-income programs.

## PART II—MEDICAID PROVISIONS

- Sec. 3811. Extension of the Money Follows the Person rebalancing demonstration program.
- Sec. 3812. Extension of spousal impoverishment protections.
- Sec. 3813. Delay of DSH reductions.
- Sec. 3814. Extension of Community Mental Health Services demonstration program.

## PART III—HUMAN SERVICES AND OTHER HEALTH PROGRAMS

- Sec. 3821. Extension of sexual risk avoidance education program.
- Sec. 3822. Extension of personal responsibility education program.
- Sec. 3823. Extension of demonstration projects to address health professions workforce needs.

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

## PART IV—PUBLIC HEALTH PROVISIONS

Sec. 3831. Extension for community health centers, the National Health Service Corps, and teaching health centers that operate GME programs.

Sec. 3832. Diabetes programs.

## PART V—MISCELLANEOUS PROVISIONS

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

## Subtitle F—Over-the-Counter Drugs

## PART I—OTC DRUG REVIEW

Sec. 3851. Regulation of certain nonprescription drugs that are marketed without an approved drug application.

Sec. 3852. Misbranding.

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

Sec. 3854. Treatment of Sunscreen Innovation Act.

Sec. 3855. Annual update to Congress on appropriate pediatric indication for certain OTC cough and cold drugs.

Sec. 3856. Technical corrections.

## PART II—USER FEES

Sec. 3861. Finding.

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

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

Sec. 4001. Short title.

Sec. 4002. Definitions.

Sec. 4003. Emergency relief and taxpayer protections.

Sec. 4004. Limitation on certain employee compensation.

Sec. 4005. Continuation of certain air service.

Sec. 4006. Coordination with secretary of transportation.

Sec. 4007. Suspension of certain aviation excise taxes.

Sec. 4008. Transaction account guarantee authority.

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

Sec. 4010. Temporary hiring flexibility.

Sec. 4011. Temporary lending limit waiver.

Sec. 4012. Temporary relief for community banks.

Sec. 4013. Temporary relief from troubled debt restructurings.

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

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

Sec. 4016. Temporary credit union provisions.

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

Sec. 4018. Reports.

Sec. 4019. Direct appropriation.

Sec. 4020. Rule of construction.

Sec. 4021. Termination of authority.

## TITLE V—BUDGETARY PROVISIONS

Sec. 5001. Emergency designation.

DIVISION B—EMERGENCY APPROPRIATIONS FOR CORONAVIRUS  
HEALTH RESPONSE AND AGENCY OPERATIONS**1 SEC. 3. REFERENCES.**

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

**6 DIVISION A—KEEPING WORKERS  
7 PAID AND EMPLOYED,  
8 HEALTH CARE SYSTEM EN-  
9 HANCEMENTS, AND ECO-  
10 NOMIC STABILIZATION  
11 TITLE I—KEEPING AMERICAN  
12 WORKERS PAID AND EM-  
13 PLOYED ACT****14 SEC. 1101. DEFINITIONS.**

15 In this title—

16 (1) the terms “Administration” and “Adminis-  
17 trator” mean the Small Business Administration  
18 and the Administrator thereof, respectively; and

19 (2) the term “small business concern” has the  
20 meaning given the term in section 3 of the Small  
21 Business Act (15 U.S.C. 636).

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

2 (a) IN GENERAL.—Section 7(a) of the Small Busi-  
3 ness Act (15 U.S.C. 636(a)) is amended—

4 (1) in paragraph (2)—

5 (A) in subparagraph (A), in the matter  
6 preceding clause (i), by striking “and (E)” and  
7 inserting “(E), and (F)”; and

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

9 “(F) PARTICIPATION IN THE PAYCHECK  
10 PROTECTION PROGRAM.—In an agreement to  
11 participate in a loan on a deferred basis under  
12 paragraph (36), the participation by the Admin-  
13 istration shall be 100 percent.”; and

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

15 “(36) PAYCHECK PROTECTION PROGRAM.—

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

17 “(i) the terms ‘appropriate Federal  
18 banking agency’ and ‘insured depository  
19 institution’ have the meanings given those  
20 terms in section 3 of the Federal Deposit  
21 Insurance Act (12 U.S.C. 1813);

22 “(ii) the term ‘covered loan’ means a  
23 loan made under this paragraph during the  
24 covered period;



1           “(iii) the term ‘covered period’ means  
2           the period beginning on February 15, 2020  
3           and ending on June 30, 2020;

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

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

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

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

18                  “(I) means—

19                          “(aa) the sum of payments  
20                          of any compensation with respect  
21                          to employees that is a—

22                                  “(AA) salary, wage,  
23                                  commission, or similar com-  
24                                  pensation;

1                   “(BB) payment of cash  
2 tip or equivalent;  
3                   “(CC) payment for va-  
4 cation, parental, family,  
5 medical, or sick leave;  
6                   “(DD) allowance for  
7 dismissal or separation;  
8                   “(EE) payment re-  
9 quired for the provisions of  
10 group health care benefits,  
11 including insurance pre-  
12 miums;  
13                   “(FF) payment of any  
14 retirement benefit; or  
15                   “(GG) payment of  
16 State or local tax assessed  
17 on the compensation of em-  
18 ployees; and  
19                   “(bb) the sum of payments  
20 of any compensation to a sole  
21 proprietor or independent con-  
22 tractor that is a wage, commis-  
23 sion, or similar compensation and  
24 that is in an amount that is not  
25 more than \$100,000 in 1 year, as

1 prorated for the covered period;

2 and

3 “(II) shall not include—

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

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

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

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

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

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

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

9 “(B) PAYCHECK PROTECTION LOANS.—  
10 Except as otherwise provided in this paragraph,  
11 the Administrator may guarantee covered loans  
12 under the same terms, conditions, and processes  
13 as a loan made under this subsection.

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

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

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

1 organization, veterans organization, or  
2 Tribal business concern described in sec-  
3 tion 31(b)(2)(C) shall be eligible to receive  
4 a covered loan if the business concern,  
5 nonprofit organization, veterans organiza-  
6 tion, or Tribal business concern employs  
7 not more than the greater of—

8 “(I) 500 employees; or

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

16 “(ii) EXCLUSION OF NONPROFITS RE-  
17 CEIVING MEDICAID EXPENDITURES.—  
18 Clause (i) shall not apply to a nonprofit  
19 entity eligible for payment for items or  
20 services furnished under a State plan  
21 under title XIX of the Social Security Act  
22 (42 U.S.C. 1396 et seq.) or under a waiver  
23 of such plan, other than a nonprofit entity  
24 for which the primary service provided by

1 the nonprofit entity is substance abuse  
2 treatment and counseling.

3 “(iii) INCLUSION OF SOLE PROPRI-  
4 ETORS, INDEPENDENT CONTRACTORS, AND  
5 ELIGIBLE SELF-EMPLOYED INDIVID-  
6 UALS.—

7 “(I) IN GENERAL.—During the  
8 covered period, individuals who oper-  
9 ate under a sole proprietorship or as  
10 an independent contractor and eligible  
11 self-employed individuals shall be eli-  
12 gible to receive a covered loan.

13 “(II) DOCUMENTATION.—

14 “(aa) SELF-EMPLOYED.—An  
15 eligible self-employed individual  
16 seeking a covered loan shall sub-  
17 mit payroll tax filings reported to  
18 the Internal Revenue Service.

19 “(bb) INDEPENDENT CON-  
20 TRACTOR.—An independent con-  
21 tractor seeking a covered loan  
22 shall submit each Form 1099-  
23 MISC that contains reportable  
24 compensation.

1                   “(cc) SOLE PROPRIETOR-  
2 SHIP.—An individual who oper-  
3 ates under a sole proprietorship  
4 shall submit each schedule filed  
5 or to be filed with a tax return  
6 that documents any income or  
7 expenses for the sole proprietor-  
8 ship.

9                   “(iv) BUSINESS CONCERNS WITH  
10 MORE THAN 1 PHYSICAL LOCATION.—Dur-  
11 ing the covered period, any business con-  
12 cern that employs not more than 500 em-  
13 ployees per physical location of the busi-  
14 ness concern and that is assigned a North  
15 American Industry Classification System  
16 code beginning with 72 at the time of dis-  
17 bursal shall be eligible to receive a covered  
18 loan, except for a business concern as-  
19 signed to such a code that, in 2019, earned  
20 in excess of \$500,000,000 in gross annual  
21 receipts.

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

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

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

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

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

19 “(vi) EMPLOYEE.—For purposes of  
20 determining whether a business concern,  
21 nonprofit organization, veterans organiza-  
22 tion, or Tribal business concern described  
23 in section 31(b)(2)(C) employs not more  
24 than 500 employees under clause (i)(I), the  
25 term ‘employee’ includes individuals em-





1 15, 2019 and ending on June 30, 2019,  
2 the product obtained by multiplying—

3 “(aa) the average total monthly  
4 payments by the applicant for payroll  
5 costs incurred during the period be-  
6 ginning on January 1, 2020 and end-  
7 ing on February 29, 2020; by

8 “(bb) 2.5; or

9 “(ii) \$10,000,000.

10 “(F) ALLOWABLE USES OF COVERED  
11 LOANS.—

12 “(i) IN GENERAL.—During the cov-  
13 ered period, an eligible recipient may, in  
14 addition to the allowable uses of a loan  
15 made under this subsection, use the pro-  
16 ceeds of the covered loan for—

17 “(I) payroll costs;

18 “(II) costs related to the continu-  
19 ation of group health care benefits  
20 during periods of paid sick, medical,  
21 or family leave, and insurance pre-  
22 miums;

23 “(III) employee salaries, commis-  
24 sions, or similar compensations;

1           “(IV) payments of interest on  
2 any mortgage obligation (which shall  
3 not include any prepayment of or pay-  
4 ment of principal on a mortgage obli-  
5 gation);

6           “(V) rent (including rent under a  
7 lease agreement);

8           “(VI) utilities; and

9           “(VII) interest on any other debt  
10 obligations that were incurred before  
11 the covered period.

12           “(ii) DELEGATED AUTHORITY.—

13           “(I) IN GENERAL.—For purposes  
14 of making covered loans for the pur-  
15 poses described in clause (i), a lender  
16 approved under this paragraph shall  
17 be considered to have delegated au-  
18 thority to make and approve covered  
19 loans, subject to the provisions of this  
20 paragraph.

21           “(II) CONSIDERATIONS.—In eval-  
22 uating the eligibility of a borrower for  
23 a covered loan with the terms de-  
24 scribed in this paragraph, a lender  
25 shall consider whether the borrower—

1                   “(aa) was in operation on  
2                   February 15, 2020; and

3                   “(bb)(AA) had employees  
4                   for whom the borrower paid sala-  
5                   ries and payroll taxes; or

6                   “(BB) paid independent  
7                   contractors, as reported on a  
8                   Form 1099–MISC.

9                   “(iii) ADDITIONAL LENDERS.—The  
10                  authority to make loans under this para-  
11                  graph shall be extended to additional lend-  
12                  ers determined by the Administrator and  
13                  the Secretary of the Treasury to have the  
14                  necessary qualifications to process, close,  
15                  disburse and service loans made with the  
16                  guarantee of the Administration.

17                  “(iv) LIMITATION.—An eligible recipi-  
18                  ent of a covered loan for purposes of pay-  
19                  ing payroll costs and other obligations de-  
20                  scribed in this subparagraph shall not be  
21                  eligible to receive an economic injury dis-  
22                  aster loan under subsection (b)(2) for the  
23                  same purpose.

24                  “(v) NONRECOURSE.—Notwith-  
25                  standing the waiver of the personal guar-



1 for a loan under paragraph (34) for  
2 the same purpose and duplicative of  
3 amounts applied for or received under  
4 a covered loan; and

5 “(IV) during the period begin-  
6 ning on February 15, 2020 and end-  
7 ing on December 31, 2020, that the  
8 eligible recipient has not received  
9 amounts under paragraph (34) for the  
10 same purpose and duplicative of  
11 amounts applied for or received under  
12 a covered loan.

13 “(H) FEE WAIVER.—During the covered  
14 period, with respect to a covered loan—

15 “(i) in lieu of the fee otherwise appli-  
16 cable under paragraph (23)(A), the Ad-  
17 ministrator shall collect no fee; and

18 “(ii) in lieu of the fee otherwise appli-  
19 cable under paragraph (18)(A), the Ad-  
20 ministrator shall collect no fee.

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

1           “(J) WAIVER OF PERSONAL GUARANTEE  
2           REQUIREMENT.—During the covered period,  
3           with respect to a covered loan, no personal  
4           guarantee shall be required for the covered  
5           loan.

6           “(K) MATURITY FOR LOANS WITH RE-  
7           MAINING BALANCE AFTER APPLICATION OF  
8           FORGIVENESS.—With respect to a covered loan  
9           that has a remaining balance after reduction  
10          based on the loan forgiveness amount under  
11          section 1105 of the CARES Act—

12                   “(i) the remaining balance shall con-  
13                   tinue to be guaranteed by the Administra-  
14                   tion under this subsection; and

15                   “(ii) the covered loan shall have a  
16                   maximum maturity of 10 years from the  
17                   date on which the borrower applies for  
18                   loan forgiveness under that section.

19           “(L) INTEREST RATE REQUIREMENTS.—  
20           During the covered period, a covered loan shall  
21           bear an interest rate not to exceed 4 percent.

22           “(M) LOAN DEFERMENT.—

23                   “(i) DEFINITION OF IMPACTED BOR-  
24                   ROWER.—

1                   “(I) IN GENERAL.—In this sub-  
2 paragraph, the term ‘impacted bor-  
3 rower’ means an eligible recipient  
4 that—

5                   “(aa) is in operation on  
6 February 15, 2020; and

7                   “(bb) has an application for  
8 a covered loan that is approved  
9 or pending approval on or after  
10 the date of enactment of this  
11 paragraph.

12                   “(II) PRESUMPTION.—For pur-  
13 poses of this subparagraph, an im-  
14 pacted borrower is presumed to have  
15 been adversely impacted by COVID-  
16 19.

17                   “(ii) DEFERRAL.—During the covered  
18 period, the Administrator shall—

19                   “(I) consider each eligible recipi-  
20 ent that applies for a covered loan to  
21 be an impacted borrower; and

22                   “(II) require lenders under this  
23 subsection to provide complete pay-  
24 ment deferment relief for impacted  
25 borrowers with covered loans for a pe-



1                   riod of not less than 6 months, includ-  
2                   ing payment of principal, interest, and  
3                   fees.

4                   “(iii) SECONDARY MARKET.—During  
5                   the covered period, with respect to a cov-  
6                   ered loan that is sold on the secondary  
7                   market, if an investor declines to approve  
8                   a deferral requested by a lender under  
9                   clause (ii), the Administrator shall exercise  
10                  the authority to purchase the loan so that  
11                  the impacted borrower may receive a defer-  
12                  ral for a period of not less than 6 months  
13                  beginning on the date on which the loan is  
14                  disbursed and ending on the date that is  
15                  not later than 1 year after the disburse-  
16                  ment.

17                  “(iv) GUIDANCE.—Not later than 30  
18                  days after the date of enactment of this  
19                  paragraph, the Administrator shall provide  
20                  guidance to lenders under this paragraph  
21                  on the deferment process described in this  
22                  subparagraph.

23                  “(N) SECONDARY MARKET SALES.—A cov-  
24                  ered loan shall not be eligible to be sold in the  
25                  secondary market until the covered recipient of

1 the covered loan has requested the loan forgive-  
2 ness authorized under section 1105 of the  
3 CARES Act and the Administrator has finally  
4 determined the amount of any forgiveness to  
5 which the eligible recipient is entitled and has  
6 made payment to the lender. Any remaining  
7 balance on the loan after the application of that  
8 payment may be sold in the secondary market.

9 “(O) REGULATORY CAPITAL REQUIRE-  
10 MENTS.—

11 “(i) RISK WEIGHT.—With respect to  
12 the appropriate Federal banking agencies  
13 applying capital requirements under their  
14 respective risk-based capital requirements,  
15 a covered loan shall receive a risk weight  
16 of zero percent.

17 “(ii) TEMPORARY RELIEF FROM TDR  
18 DISCLOSURES.—Notwithstanding any other  
19 provision of law, an insured depository in-  
20 stitution that modifies a covered loan in re-  
21 lation to COVID–19-related difficulties in  
22 a troubled debt restructuring on or after  
23 March 13, 2020, shall not be required to  
24 comply with the Financial Accounting  
25 Standards Board Accounting Standards

1 Codification Subtopic 310-40 ('Receivables  
2 – Troubled Debt Restructurings by Credi-  
3 tors') for purposes of compliance with the  
4 requirements of the Federal Deposit Insur-  
5 ance Act (12 U.S.C. 1811 et seq.), until  
6 such time and under such circumstances as  
7 the appropriate Federal banking agency  
8 determines appropriate.

9 “(P) REIMBURSEMENT FOR PROC-  
10 ESSING.—

11 “(i) IN GENERAL.—The Administrator  
12 shall reimburse a lender authorized to  
13 make a covered loan at a rate of 5 percent  
14 of the balance of the financing outstanding  
15 at the time of disbursement of the covered  
16 loan.

17 “(ii) TIMING.—A reimbursement de-  
18 scribed in clause (i) shall be made not later  
19 than 5 days after the disbursement of the  
20 covered loan.

21 “(Q) DUPLICATION.—Nothing in this  
22 paragraph shall prohibit a recipient of an eco-  
23 nomic injury disaster loan made under sub-  
24 section (b)(2) during the period beginning on  
25 February 15, 2020 and ending on March 31,

1           2020 from receiving assistance under this para-  
2           graph.

3                   “(R) WAIVER OF PREPAYMENT PEN-  
4           ALTY.—Notwithstanding any other provision of  
5           law, there shall be no prepayment penalty for  
6           any payment made on a covered loan.”.

7           (b) COMMITMENTS FOR 7(A) LOANS.—During the pe-  
8           riod beginning on February 15, 2020 and ending on June  
9           30, 2020—

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

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

22           (c) EXPRESS LOANS.—

23                   (1) IN GENERAL.—Section 7(a)(31)(D) of the  
24           Small Business Act (15 U.S.C. 636(a)(31)(D)) is

1 amended by striking “\$350,000” and inserting  
2 “\$1,000,000”.

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

7 (d) EXCEPTION TO GUARANTEE FEE WAIVER FOR  
8 VETERANS.—Section 7(a)(31)(G) of the Small Business  
9 Act (15 U.S.C. 636(a)(31)(G)) is amended—

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

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

12 (e) INTERIM RULE.—On and after the date of enact-  
13 ment of this Act, the interim final rule published by the  
14 Administrator entitled “Express Loan Programs: Affili-  
15 ation Standards” (85 Fed. Reg. 7622 (February 10,  
16 2020)) is permanently rescinded and shall have no force  
17 or effect.

18 **SEC. 1103. ENTREPRENEURIAL DEVELOPMENT.**

19 (a) DEFINITIONS.—In this section—

20 (1) the term “covered small business concern”  
21 means a small business concern that has experi-  
22 enced, as a result of COVID–19—

23 (A) supply chain disruptions, including  
24 changes in—

1 (i) quantity and lead time, including  
2 the number of shipments of components  
3 and delays in shipments;

4 (ii) quality, including shortages in  
5 supply for quality control reasons; and

6 (iii) technology, including a com-  
7 promised payment network;

8 (B) staffing challenges;

9 (C) a decrease in gross receipts or cus-  
10 tomers; or

11 (D) a closure;

12 (2) the term “resource partner” means—

13 (A) a small business development center;  
14 and

15 (B) a women’s business center;

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

19 (4) the term “women’s business center” means  
20 a women’s business center described in section 29 of  
21 the Small Business Act (15 U.S.C. 656).

22 (b) EDUCATION, TRAINING, AND ADVISING  
23 GRANTS.—

24 (1) IN GENERAL.—The Administration may  
25 provide financial assistance in the form of grants to

1 resource partners to provide education, training, and  
2 advising to covered small business concerns.

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

7 (A) accessing and applying for resources  
8 provided by the Administration and other Fed-  
9 eral resources relating to access to capital and  
10 business resiliency;

11 (B) the hazards and prevention of the  
12 transmission and communication of COVID–19  
13 and other communicable diseases;

14 (C) the potential effects of COVID–19 on  
15 the supply chains, distribution, and sale of  
16 products of covered small business concerns and  
17 the mitigation of those effects;

18 (D) the management and practice of  
19 telework to reduce possible transmission of  
20 COVID–19;

21 (E) the management and practice of re-  
22 mote customer service by electronic or other  
23 means;

1 (F) the risks of and mitigation of cyber  
2 threats in remote customer service or telework  
3 practices;

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

8 (H) any other relevant business practices  
9 necessary to mitigate the economic effects of  
10 COVID–19 or similar occurrences.

11 (3) GRANT DETERMINATION.—

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

22 (B) WOMEN’S BUSINESS CENTERS.—The  
23 Administration shall award 20 percent of funds  
24 authorized to carry out this subsection to wom-  
25 en’s business centers, which shall be awarded



1           pursuant to a process established by the Ad-  
2           ministration in consultation with recipients of  
3           assistance.

4           (C) NO MATCHING FUNDS REQUIRED.—  
5           Matching funds shall not be required for any  
6           grant under this subsection.

7           (4) GOALS AND METRICS.—

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

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

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

1 (iii) encourage resource partners to  
2 develop and provide services to covered  
3 small business concerns.

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

9 (c) RESOURCE PARTNER ASSOCIATION GRANTS.—

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

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

20 (B) a training program to educate resource  
21 partner counselors, members of the Service  
22 Corps of Retired Executives established under  
23 section 8(b)(1)(B) of the Small Business Act  
24 (15 U.S.C. 637(b)(1)(B)), and counselors at  
25 veterans business outreach centers described in

1 section 32 of the Small Business Act (15  
2 U.S.C. 657b) on the resources and information  
3 described in subparagraph (A).

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

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

16 (1) with respect to the initial year covered by  
17 the report—

18 (A) the programs and services developed  
19 and provided by the Administration and re-  
20 source partners under subsection (b);

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

23 (C) the online platform and training devel-  
24 oped and provided by the Administration and

1 the association or associations under subsection  
2 (c); and

3 (2) with respect to the subsequent years covered  
4 by the report—

5 (A) with respect to the grant program  
6 under subsection (b)—

7 (i) the efforts of the Administrator  
8 and resource partners to develop services  
9 to assist covered small business concerns;

10 (ii) the challenges faced by owners of  
11 covered small business concerns in access-  
12 ing services provided by the Administration  
13 and resource partners;

14 (iii) the number of unique covered  
15 small business concerns that were served  
16 by the Administration and resource part-  
17 ners; and

18 (iv) other relevant outcome perform-  
19 ance data with respect to covered small  
20 business concerns, including the number of  
21 employees affected, the effect on sales, the  
22 disruptions of supply chains, and the ef-  
23 forts made by the Administration and re-  
24 source partners to mitigate these effects;  
25 and

1 (B) with respect to the grant program  
2 under subsection (c)—

3 (i) the efforts of the Administrator  
4 and the association or associations to de-  
5 velop and evolve an online resource for  
6 small business concerns; and

7 (ii) the efforts of the Administrator  
8 and the association or associations to de-  
9 velop a training program for resource part-  
10 ner counselors, including the number of  
11 counselors trained.

12 **SEC. 1104. WAIVER OF MATCHING FUNDS REQUIREMENT**  
13 **UNDER THE WOMEN'S BUSINESS CENTER**  
14 **PROGRAM.**

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

21 **SEC. 1105. LOAN FORGIVENESS.**

22 (a) DEFINITIONS.—In this section—

23 (1) the term “covered loan” means a loan guar-  
24 anteed under paragraph (36) of section 7(a) of the

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

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

6 (A) is a liability of the borrower;

7 (B) is a mortgage on real or personal  
8 property; and

9 (C) was incurred before February 15,  
10 2020;

11 (3) the term “covered period” means the 8-  
12 week period beginning on date of the origination of  
13 a covered loan;

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

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

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

24 (7) the term “expected forgiveness amount”  
25 means the amount of principal that a lender reason-

1 ably expects a borrower to expend during the cov-  
2 ered period on the sum of any—

3 (A) payroll costs;

4 (B) payments of interest on any covered  
5 mortgage obligation (which shall not include  
6 any prepayment of or payment of principal on  
7 a covered mortgage obligation);

8 (C) payments on any covered rent obliga-  
9 tion; and

10 (D) covered utility payments; and

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

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

19 (1) Payroll costs.

20 (2) Any payment of interest on any covered  
21 mortgage obligation (which shall not include any  
22 prepayment of or payment of principal on a covered  
23 mortgage obligation).

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

1 (4) Any covered utility payment.

2 (c) TREATMENT OF AMOUNTS FORGIVEN.—

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

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

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

21 (4) ADVANCE PURCHASE OF COVERED LOAN.—

22 (A) REPORT.—A lender authorized under  
23 section 7(a) of the Small Business Act (15  
24 U.S.C. 636(a)) may report to the Administrator  
25 an expected forgiveness amount on a covered



1 loan or on a pool of covered loans of up to 100  
2 percent of the principal on the covered loan or  
3 pool of covered loans, respectively.

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

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

16 (d) LIMITS ON AMOUNT OF FORGIVENESS.—

17 (1) AMOUNT MAY NOT EXCEED PRINCIPAL.—  
18 The amount of loan forgiveness under this section  
19 shall not exceed the principal amount of the financ-  
20 ing made available under the applicable covered  
21 loan.

22 (2) REDUCTION BASED ON REDUCTION IN NUM-  
23 BER OF EMPLOYEES.—

24 (A) IN GENERAL.—The amount of loan  
25 forgiveness under this section shall be reduced,

1 but not increased, by multiplying the amount  
2 described in subsection (b) by the quotient ob-  
3 tained by dividing—

4 (i) the average number of full-time  
5 equivalent employees per month employed  
6 by the eligible recipient during the covered  
7 period; by

8 (ii)(I) at the election of the bor-  
9 rower—

10 (aa) the average number of full-  
11 time equivalent employees per month  
12 employed by the eligible recipient dur-  
13 ing the period beginning on February  
14 15, 2019 and ending on June 30,  
15 2019; or

16 (bb) the average number of full-  
17 time equivalent employees per month  
18 employed by the eligible recipient dur-  
19 ing the period beginning on January  
20 1, 2020 and ending on February 29,  
21 2020; or

22 (II) in the case of an eligible recipient  
23 that is seasonal employer, as determined  
24 by the Administrator, the average number  
25 of full-time equivalent employees per

1 month employed by the eligible recipient  
2 during the period beginning on February  
3 15, 2019 and ending on June 30, 2019.

4 (B) EXEMPTIONS.—The Administrator  
5 and the Secretary of the Treasury may pre-  
6 scribe regulations granting de minimis exemp-  
7 tions from the requirements under this para-  
8 graph.

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

16 (3) REDUCTION RELATING TO SALARY AND  
17 WAGES.—

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

1 quarter during which the employee was em-  
2 ployed before the covered period.

3 (B) EMPLOYEES DESCRIBED.—An em-  
4 ployee described in this subparagraph is any  
5 employee who did not receive, during any single  
6 pay period during 2019, wages or salary at an  
7 annualized rate of pay in an amount more than  
8 \$100,000.

9 (4) TIPPED WORKERS.—An eligible recipient  
10 with tipped employees described in section  
11 3(m)(2)(A) of the Fair Labor Standards Act of  
12 1938 (29 U.S.C. 203(m)(2)(A)) may receive forgive-  
13 ness for additional wages paid to those employees.

14 (5) EXEMPTION FOR RE-HIRES.—

15 (A) IN GENERAL.—In a circumstance de-  
16 scribed in subparagraph (B), the amount of  
17 loan forgiveness under this section shall be de-  
18 termined without regard to a reduction in the  
19 number of full-time equivalent employees of an  
20 eligible recipient or a reduction in the salary of  
21 1 or more employees of the eligible recipient, as  
22 applicable, during the period beginning on Feb-  
23 ruary 15, 2020 and ending on the date that is  
24 30 days after the date of enactment of this Act.

1                   (B) CIRCUMSTANCES.—A circumstance de-  
2                   scribed in this subparagraph is a cir-  
3                   cumstance—

4                   (i) in which—

5                   (I) during the period beginning  
6                   on February 15, 2020 and ending on  
7                   the date that is 30 days after the date  
8                   of enactment of this Act, there is a re-  
9                   duction, as compared to February 15,  
10                  2020, in the number of full-time  
11                  equivalent employees of an eligible re-  
12                  cipient; and

13                  (II) not later than June 30,  
14                  2020, the eligible employer has elimi-  
15                  nated the reduction in the number of  
16                  full-time equivalent employees;

17                  (ii) in which—

18                  (I) during the period beginning  
19                  on February 15, 2020 and ending on  
20                  the date that is 30 days after the date  
21                  of enactment of this Act, there is a re-  
22                  duction, as compared to February 15,  
23                  2020, in the salary or wages of 1 or  
24                  more employees of the eligible recipi-  
25                  ent; and

1 (II) not later than June 30,  
2 2020, the eligible employer has elimi-  
3 nated the reduction in the salary or  
4 wages of such employees; or  
5 (iii) in which the events described in  
6 clause (i) and (ii) occur.

7 (e) APPLICATION.—An eligible recipient seeking loan  
8 forgiveness under this section shall submit to the lender  
9 that originated the covered loan an application, which  
10 shall include—

11 (1) documentation verifying the number of full-  
12 time equivalent employees on payroll and pay rates  
13 for the periods described in subsection (d), includ-  
14 ing—

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

17 (B) State income, payroll, and unemploy-  
18 ment insurance filings;

19 (2) documentation, including cancelled checks,  
20 payment receipts, transcripts of accounts, or other  
21 documents verifying payments on covered mortgage  
22 obligations, payments on covered lease obligations,  
23 and covered utility payments;

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

4           (A) the documentation presented is true  
5 and correct; and

6           (B) the amount for which forgiveness is re-  
7 quested was used to retain employees, make in-  
8 terest payments on a covered mortgage obliga-  
9 tion, make payments on a covered rent obliga-  
10 tion, or make covered utility payments; and

11          (4) any other documentation the Administrator  
12 determines necessary.

13          (f) PROHIBITION ON FORGIVENESS WITHOUT DOCU-  
14 MENTATION.—No eligible recipient shall receive forgive-  
15 ness under this section without submitting to the lender  
16 that originated the covered loan the documentation re-  
17 quired under subsection (e).

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

22          (h) HOLD HARMLESS.—If a lender has received the  
23 documentation required under this section and determines  
24 that an eligible recipient has accurately verified the pay-  
25 ments for payroll costs, payments on covered mortgage ob-

1 ligations, payments on covered lease obligations, or cov-  
2 ered utility payments during covered period—

3 (1) an enforcement action may not be taken  
4 against the lender under section 47(e) of the Small  
5 Business Act (15 U.S.C. 657t(e)) relating to loan  
6 forgiveness for the payments for payroll costs, pay-  
7 ments on covered mortgage obligations, payments on  
8 covered lease obligations, or covered utility pay-  
9 ments, as the case may be; and

10 (2) the lender shall not be subject to any pen-  
11 alties by the Administrator relating to loan forgive-  
12 ness for the payments for payroll costs, payments on  
13 covered mortgage obligations, payments on covered  
14 lease obligations, or covered utility payments, as the  
15 case may be.

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

19 (j) RULE OF CONSTRUCTION.—The cancellation of  
20 indebtedness on a covered loan under this section shall not  
21 otherwise modify the terms and conditions of the covered  
22 loan.

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



1 **SEC. 1106. DIRECT APPROPRIATIONS.**

2 (a) IN GENERAL.—There is appropriated, out of  
3 amounts in the Treasury not otherwise appropriated, for  
4 the fiscal year ending September 30, 2020, to remain  
5 available until September 30, 2021, for additional  
6 amounts—

7 (1) \$349,000,000,000 under the heading  
8 “Small Business Administration—Business Loans  
9 Program Account, CARES Act” for the cost of  
10 guaranteed loans as authorized under paragraph  
11 (36) of section 7(a) of the Small Business Act (15  
12 U.S.C. 636(a)), as added by section 1102(a) of this  
13 Act;

14 (2) \$675,000,000 under the heading “Small  
15 Business Administration—Salaries and Expenses”  
16 for salaries and expenses of the Administration;

17 (3) \$25,000,000 under the heading “Small  
18 Business Administration—Office of Inspector Gen-  
19 eral”, to remain available until September 30, 2024,  
20 for necessary expenses of the Office of Inspector  
21 General of the Administration in carrying out the  
22 provisions of the Inspector General Act of 1978 (5  
23 U.S.C. App.);

24 (4) \$265,000,000 under the heading “Small  
25 Business Administration—Entrepreneurial Develop-  
26 ment Programs”, of which—

1 (A) \$240,000,000 shall be for carrying out  
2 section 1103(b) of this Act; and

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

5 (5) \$10,000,000 under the heading “Depart-  
6 ment of Commerce—Minority Business Development  
7 Agency” for minority business centers of the Minor-  
8 ity Business Development Agency to provide tech-  
9 nical assistance to small business concerns;

10 (6) \$10,000,000,000 under the heading “Small  
11 Business Administration—Emergency EIDL  
12 Grants” shall be for carrying out section 1110 of  
13 this Act;

14 (7) \$17,000,000,000 under the heading “Small  
15 Business Administration—Business Loans Program  
16 Account, CARES Act” shall be for carrying out sec-  
17 tion 1112 of this Act; and

18 (8) \$25,000,000 under the heading “Depart-  
19 ment of the Treasury—Departmental Offices—Sala-  
20 ries and Expenses” shall be for carrying out section  
21 1109 of this Act.

22 (b) SECONDARY MARKET.—During the period begin-  
23 ning on the date of enactment of this Act and ending on  
24 September 30, 2021, guarantees of trust certificates au-  
25 thorized by section 5(g) of the Small Business Act (15

1 U.S.C. 635(g)) shall not exceed a principal amount of  
2 \$100,000,000,000.

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

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

11 (a) DEFINITIONS.—In this section—

12 (1) the term “Agency” means the Minority  
13 Business Development Agency of the Department of  
14 Commerce;

15 (2) the term “minority business center” means  
16 a Business Center of the Agency;

17 (3) the term “minority business enterprise”  
18 means a for-profit business enterprise—

19 (A) not less than 51 percent of which is  
20 owned by 1 or more socially disadvantaged indi-  
21 viduals, as determined by the Agency; and

22 (B) the management and daily business  
23 operations of which are controlled by 1 or more  
24 socially disadvantaged individuals, as deter-  
25 mined by the Agency; and

1           (4) the term “minority chamber of commerce”  
2           means a chamber of commerce developed specifically  
3           to support minority business enterprises.

4           (b) EDUCATION, TRAINING, AND ADVISING  
5 GRANTS.—

6           (1) IN GENERAL.—The Agency may provide fi-  
7           nancial assistance in the form of grants to minority  
8           business centers and minority chambers of commerce  
9           to provide education, training, and advising to mi-  
10          nority business enterprises.

11          (2) USE OF FUNDS.—Grants under this section  
12          shall be used for the education, training, and advis-  
13          ing of minority business enterprises and their em-  
14          ployees on—

15                 (A) accessing and applying for resources  
16                 provided by the Agency and other Federal re-  
17                 sources relating to access to capital and busi-  
18                 ness resiliency;

19                 (B) the hazards and prevention of the  
20                 transmission and communication of COVID–19  
21                 and other communicable diseases;

22                 (C) the potential effects of COVID–19 on  
23                 the supply chains, distribution, and sale of  
24                 products of minority business enterprises and  
25                 the mitigation of those effects;

1 (D) the management and practice of  
2 telework to reduce possible transmission of  
3 COVID-19;

4 (E) the management and practice of re-  
5 mote customer service by electronic or other  
6 means;

7 (F) the risks of and mitigation of cyber  
8 threats in remote customer service or telework  
9 practices;

10 (G) the mitigation of the effects of reduced  
11 travel or outside activities on minority business  
12 enterprises during COVID-19 or similar occur-  
13 rences; and

14 (H) any other relevant business practices  
15 necessary to mitigate the economic effects of  
16 COVID-19 or similar occurrences.

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

20 (4) GOALS AND METRICS.—

21 (A) IN GENERAL.—Goals and metrics for  
22 the funds made available under this section  
23 shall be jointly developed, negotiated, and  
24 agreed upon, with full participation of both par-  
25 ties, between the minority business centers, mi-

1           nority chambers of commerce, and the Agency,  
2           which shall—

3                   (i) take into consideration the extent  
4                   of the circumstances relating to the spread  
5                   of COVID–19, or similar occurrences, that  
6                   affect minority business enterprises located  
7                   in the areas covered by minority business  
8                   centers and minority chambers of com-  
9                   merce, particularly in rural areas or eco-  
10                  nomically distressed areas;

11                  (ii) generally follow the use of funds  
12                  outlined in paragraph (2), but shall not re-  
13                  strict the activities of minority business  
14                  centers and minority chambers of com-  
15                  merce in responding to unique situations;  
16                  and

17                  (iii) encourage minority business cen-  
18                  ters and minority chambers of commerce  
19                  to develop and provide services to minority  
20                  business enterprises.

21                  (B) PUBLIC AVAILABILITY.—The Agency  
22                  shall make publicly available the methodology  
23                  by which the Agency, minority business centers,  
24                  and minority chambers of commerce jointly de-

1           velop the metrics and goals described in sub-  
2           paragraph (A).

3           (c) WAIVERS.—

4           (1) IN GENERAL.—Notwithstanding any other  
5           provision of law or regulation, the Agency may, dur-  
6           ing the 3-month period that begins on the date of  
7           enactment of this Act, waive any matching require-  
8           ment imposed on a minority business center or a  
9           specialty center of the Agency under a cooperative  
10          agreement between such a center and the Agency if  
11          the applicable center is unable to raise funds, or has  
12          suffered a loss of revenue, because of the effects of  
13          COVID–19.

14          (2) REMAINING COMPLIANT.—Notwithstanding  
15          any provision of a cooperative agreement between  
16          the Agency and a minority business center, if, dur-  
17          ing the period beginning on the date of enactment  
18          of this Act and ending on September 30, 2021, such  
19          a center decides not to collect fees because of the  
20          economic consequences of COVID–19, the center  
21          shall be considered to be in compliance with that  
22          agreement if—

23                  (A) the center notifies the Agency with re-  
24                  spect to that decision, which the center may  
25                  provide through electronic mail; and

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

4 (i) confirms receipt of the notification  
5 under subparagraph (A); and

6 (ii) accepts the decision of the center.

7 (d) REPORT.—Not later than 6 months after the date  
8 of enactment of this Act, and annually thereafter, the  
9 Agency shall submit to the Committee on Small Business  
10 and Entrepreneurship and the Committee on Commerce,  
11 Science, and Transportation of the Senate and the Com-  
12 mittee on Small Business and the Committee on Energy  
13 and Commerce of the House of Representatives a report  
14 that describes—

15 (1) with respect to the period covered by the  
16 initial report—

17 (A) the programs and services developed  
18 and provided by the Agency, minority business  
19 centers, and minority chambers of commerce  
20 under subsection (b); and

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

23 (2) with respect to subsequent years covered by  
24 the report—



1 (A) with respect to the grant program  
2 under subsection (b)—

3 (i) the efforts of the Agency, minority  
4 business centers, and minority chambers of  
5 commerce to develop services to assist mi-  
6 nority business enterprises;

7 (ii) the challenges faced by owners of  
8 minority business enterprises in accessing  
9 services provided by the Agency, minority  
10 business centers, and minority chambers of  
11 commerce;

12 (iii) the number of unique minority  
13 business enterprises that were served by  
14 the Agency, minority business centers, or  
15 minority chambers of commerce; and

16 (iv) other relevant outcome perform-  
17 ance data with respect to minority business  
18 enterprises, including the number of em-  
19 ployees affected, the effect on sales, the  
20 disruptions of supply chains, and the ef-  
21 forts made by the Agency, minority busi-  
22 ness centers, and minority chambers of  
23 commerce to mitigate these effects .

1           (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated \$10,000,000 to carry out  
3 this section, to remain available until expended.

4 **SEC. 1108. CONTRACTING.**

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

8                 (1) that is a party to a contract with a Federal  
9 agency; and

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

12           (b) PROMOTION OF SMALL BUSINESS CON-  
13 TRACTING.—

14                 (1) SMALL BUSINESS CONTRACTING RELIEF.—

15                     (A) IN GENERAL.—Notwithstanding any  
16 other provision of law or regulation, and except  
17 as provided in subparagraph (B), during the pe-  
18 riod beginning on the date of enactment of this  
19 Act and ending on September 30, 2021, the  
20 head of the Federal agency with which a cov-  
21 ered entity has a contract shall provide the cov-  
22 ered entity with the greater of—

23                             (i) 30 additional days to carry out the  
24 responsibilities of the covered entity under  
25 the contract; or

1                   (ii) an additional amount of time to  
2                   carry out the responsibilities of the covered  
3                   entity under the contract that the head of  
4                   the Federal agency determines to be ap-  
5                   propriate after taking into consideration  
6                   the severity of the adverse impact experi-  
7                   enced by the covered entity.

8                   (B) EXCLUSION OF MISSION-CRITICAL  
9                   CONTRACTS.—Subparagraph (A) shall not apply  
10                  to any contract that the head of the Federal  
11                  agency that is a party to the contract deter-  
12                  mines is critical to carrying out the mission of  
13                  the Federal agency.

14                  (2) PAYMENT CONTINUATION.—If the perform-  
15                  ance of all or any part of the work of a Federal  
16                  goods or services contract with a contractor that is  
17                  a small business concern or a nonprofit organization  
18                  in force and effect during the period beginning on  
19                  the date of enactment of this Act and ending on  
20                  September 30, 2021 is unavoidably delayed or inter-  
21                  rupted by the inability of the employees of the small  
22                  business concern or nonprofit organization, as appli-  
23                  cable, to access Government facilities, systems, or  
24                  other Government-provided resources due to restric-  
25                  tions related to COVID–19 that have been imposed

1 by any authority or due to orders or instructions  
2 issued by the contracting agency in response to  
3 COVID19—

4 (A) the Government shall pay the small  
5 business concern or nonprofit organization, as  
6 applicable, upon the submission of the docu-  
7 mentation required by the contract and accord-  
8 ing to the terms specified in the contract, the  
9 prices stipulated in the contract for goods or  
10 services as if the small business concern or non-  
11 profit organization, as applicable, had rendered  
12 and the Government accepted the goods or serv-  
13 ices; and

14 (B) contractor delivery schedules shall be  
15 revised and the small business concern or non-  
16 profit organization, as applicable, shall be eligi-  
17 ble for equitable adjustments based on the re-  
18 vised schedules.

19 (3) PROMPT PAYMENTS.—Notwithstanding any  
20 other provision of law or regulation, during any pe-  
21 riod in which the President invokes the authorities  
22 of the Defense Production Act of 1950 (50 U.S.C.  
23 4501 et seq.), for any payment due by the head of  
24 a Federal agency on a contract for an item of prop-  
25 erty or service provided—

1 (A) with respect to a prime contractor (as  
2 defined in section 8701 of title 41, United  
3 States Code) that is a small business concern or  
4 nonprofit organization, the head of the Federal  
5 agency shall, to the fullest extent permitted by  
6 law and to the maximum extent practicable, es-  
7 tablish an accelerated payment date of 15 days  
8 after a proper invoice for the amount due is re-  
9 ceived; and

10 (B) with respect to a prime contractor (as  
11 defined in section 8701 of title 41, United  
12 States Code) that subcontracts with a small  
13 business concern or nonprofit organization, the  
14 head of the Federal agency shall, to fullest ex-  
15 tent permitted by law and to the maximum ex-  
16 tent practicable, establish an accelerated pay-  
17 ment date of 15 days after receipt of a proper  
18 invoice for the amount due if the prime con-  
19 tractor agrees to make payments to the subcon-  
20 tractor in accordance with the accelerated pay-  
21 ment date, to the maximum extent practicable,  
22 without any further consideration from or fees  
23 charged to the subcontractor.

24 (4) BAR ON MULTIPLE FORMS OF CONTRACT  
25 RELIEF.—A small business concern or nonprofit or-

1 organization may not receive a modification of terms  
2 or assistance under more than 1 paragraph of this  
3 subsection with respect to any single contract.

4 (c) RESOLICITATION OF CONTRACTS WITH SMALL  
5 BUSINESS CONCERNS.—During fiscal years 2021 and  
6 2022, a Federal agency shall not cancel a contract in  
7 which the prime contractor (as defined in section 8701  
8 of title 41, United States Code) is a small business con-  
9 cern that defaulted on the terms of the contract directly  
10 or indirectly due to the COVID–19 unless the Director  
11 of Small and Disadvantaged Business Utilization of the  
12 Federal agency certifies that—

13 (1) the contract is mission-critical;

14 (2) resolicitation of the contract would allow a  
15 faster delivery than the small business concern could  
16 provide; and

17 (3) the resolicitation of the contract is, to the  
18 greatest extent possible, awarded to another small  
19 business concern.

20 **SEC. 1109. UNITED STATES TREASURY PROGRAM MANAGE-**  
21 **MENT AUTHORITY.**

22 (a) DEFINITIONS.—In this section—

23 (1) the terms “appropriate Federal banking  
24 agency” and “insured depository institution” have

1 the meanings given those terms in section 3 of the  
2 Federal Deposit Insurance Act (12 U.S.C. 1813);

3 (2) the term “insured credit union” has the  
4 meaning given the term in section 101 of the Fed-  
5 eral Credit Union Act (12 U.S.C. 1752); and

6 (3) the term “Secretary” means the Secretary  
7 of the Treasury.

8 (b) **AUTHORITY TO INCLUDE ADDITIONAL FINAN-**  
9 **CIAL INSTITUTIONS.**—The Department of the Treasury,  
10 in consultation with the Administrator, and the Chairman  
11 of the Farm Credit Administration shall establish criteria  
12 for insured depository institutions, insured credit unions,  
13 institutions of the Farm Credit System chartered under  
14 the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.),  
15 and other lenders that do not already participate in lend-  
16 ing under programs of the Administration, to participate  
17 in the paycheck protection program to provide loans under  
18 this section until the date on which the national emergency  
19 declared by the President under the National Emergencies  
20 Act (50 U.S.C. 1601 et seq.) with respect to the  
21 Coronavirus Disease 2019 (COVID–19) expires.

22 (c) **SAFETY AND SOUNDNESS.**—An insured depository  
23 institution, insured credit union, institution of the  
24 Farm Credit System chartered under the Farm Credit Act  
25 of 1971 (12 U.S.C. 2001 et seq.), or other lender may

1 only participate in the program established under this sec-  
2 tion if participation does not affect the safety and sound-  
3 ness of the institution or lender, as determined by the Sec-  
4 retary in consultation with the appropriate Federal bank-  
5 ing agencies.

6 (d) REGULATIONS FOR LENDERS AND LOANS.—

7 (1) IN GENERAL.—The Secretary may issue  
8 regulations and guidance as necessary to carry out  
9 the purposes of this section, including to—

10 (A) allow additional lenders to originate  
11 loans under this section; and

12 (B) establish terms and conditions for  
13 loans under this section, including terms and  
14 conditions concerning compensation, under-  
15 writing standards, interest rates, and maturity.

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

19 (A) A rate of interest that does not exceed  
20 the maximum permissible rate of interest avail-  
21 able on a loan of comparable maturity under  
22 paragraph (36) of section 7(a) of the Small  
23 Business Act (15 U.S.C. 636(a)), as added by  
24 section 1102 of this Act.



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

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

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

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

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

16                   (v) Subparagraph (M), pertaining to  
17                   loan deferment.

18           (C) A guarantee percentage that, to the  
19           maximum extent practicable, are consistent  
20           with the guarantee percentage required under  
21           subparagraph (F) of section 7(a)(2) of the  
22           Small Business Act (15 U.S.C. 636(a)(2)), as  
23           added by section 1102 of this Act.

24           (D) Loan forgiveness under terms and con-  
25           ditions that, to the maximum extent prac-

1            ticable, are consistent with the terms and condi-  
2            tions for loan forgiveness under section 1105 of  
3            this Act.

4            (e) **ADDITIONAL REGULATIONS GENERALLY.**—The  
5 Secretary may issue regulations and guidance as necessary  
6 to carry out the purposes of this section, including to allow  
7 additional lenders to originate loans under this title and  
8 to establish terms and conditions such as compensation,  
9 underwriting standards, interest rates, and maturity for  
10 under this section.

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

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

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

20          (g) **OPT-IN FOR SBA QUALIFIED LENDERS.**—Lend-  
21 ers qualified to participate as a lender under 7(a) of the  
22 Small Business Act (15 U.S.C. 636(a)) may elect to par-  
23 ticipate in the paycheck protection program under the cri-  
24 teria, terms, and conditions established under this section.  
25 Such participation shall not preclude the lenders from con-

1 tinuing participation as a lender under section 7(a) of the  
2 Small Business Act (15 U.S.C. 636(a)).

3 (h) PROGRAM ADMINISTRATION.—With guidance  
4 from the Secretary, the Administrator shall administer the  
5 program established under this section, including the mak-  
6 ing and purchasing of guarantees on loans under the pro-  
7 gram, until the date on which the national emergency de-  
8 clared by the President under the National Emergencies  
9 Act (50 U.S.C. 1601 et seq.) with respect to the  
10 Coronavirus Disease 2019 (COVID–19) expires.

11 (i) CRIMINAL PENALTIES.—A loan under this section  
12 shall be deemed to be a loan under the Small Business  
13 Act (15 U.S.C. 631 et seq.) for purposes of section 16  
14 of such Act (15 U.S.C. 645).

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

16 (a) DEFINITIONS.—In this section—

17 (1) the term “additional covered entity”  
18 means—

19 (A) any individual who operates under a  
20 sole proprietorship, with or without employees,  
21 or as an independent contractor, on January  
22 31, 2020;

23 (B) a cooperative in operation on January  
24 31, 2020; or

1 (C) an ESOP (as defined in section 3 of  
2 the Small Business Act (15 U.S.C. 632)) in op-  
3 eration on January 31, 2020; and

4 (2) the term “covered period” means the period  
5 beginning on January 31, 2020 and ending on De-  
6 cember 31, 2020.

7 (b) ELIGIBLE ENTITIES.—During the covered period,  
8 in addition to small business concerns, private nonprofit  
9 organizations, and small agricultural cooperatives, an ad-  
10 ditional covered entity shall be eligible for a loan made  
11 under section 7(b)(2) of the Small Business Act (15  
12 U.S.C. 636(b)(2)) if the additional covered entity is con-  
13 sidered small for the industry in which it operates.

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

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

21 (2) the requirement that an applicant needs to  
22 be in business for the 1-year period before the dis-  
23 aster; and

24 (3) the requirement in the flush matter fol-  
25 lowing subparagraph (E) of section 7(b)(2) of the

1 Small Business Act (15 U.S.C. 636(b)(2)), as so re-  
2 designated by subsection (f) of this section, that an  
3 applicant be unable to obtain credit elsewhere.

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

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

13 (2) use alternative appropriate methods to de-  
14 termine an applicant’s ability to repay.

15 (e) EMERGENCY GRANT.—

16 (1) IN GENERAL.—During the covered period,  
17 an eligible entity that applies for a loan under sec-  
18 tion 7(b)(2) of the Small Business Act (15 U.S.C.  
19 636(b)(2)) in response to COVID–19 may request  
20 that the Administrator provide an advance in the  
21 amount requested by such applicant (not to exceed  
22 \$10,000) to such applicant within 3 days after the  
23 Administrator receives an application from such ap-  
24 plicant.

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

4           (3) USE OF FUNDS.—An advance provided  
5           under this subsection may be used to address any al-  
6           lowable purpose for a loan made under section  
7           7(b)(2) of the Small Business Act (15 U.S.C.  
8           636(b)(2)), including—

9                   (A) providing paid sick leave to employees  
10                  unable to work due to the direct effect of the  
11                  COVID-19;

12                  (B) maintaining payroll to retain employ-  
13                  ees during business disruptions or substantial  
14                  slowdowns;

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

18                  (D) making rent or mortgage payments;  
19                  and

20                  (E) repaying obligations that cannot be  
21                  met due to revenue losses.

22           (4) REPAYMENT.—An applicant shall not be re-  
23           quired to repay any amounts of an advance provided  
24           under this subsection, even if subsequently denied a

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

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

10 (6) AUTHORIZATION OF APPROPRIATIONS.—  
11 There is authorized to be appropriated to the Ad-  
12 ministration \$10,000,000,000 to carry out this sub-  
13 section.

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

17 (f) EMERGENCIES INVOLVING FEDERAL PRIMARY  
18 RESPONSIBILITY QUALIFYING FOR SBA ASSISTANCE.—  
19 Section 7(b)(2) of the Small Business Act (15 U.S.C.  
20 636(b)(2)) is amended—

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

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

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

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

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

7                   “(D) an emergency involving Federal pri-  
8                   mary responsibility determined to exist by the  
9                   President under the section 501(b) of the Rob-  
10                  ert T. Stafford Disaster Relief and Emergency  
11                  Assistance Act (42 U.S.C. 5191(b)); or”; and

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

13                   (A) by striking “or (C)” and inserting  
14                   “(C), or (D)”;;

15                   (B) by striking “disaster declaration” each  
16                   place it appears and inserting “disaster or  
17                   emergency declaration”;

18                   (C) by striking “disaster has occurred”  
19                   and inserting “disaster or emergency has oc-  
20                   curred”;

21                   (D) by striking “such disaster” and insert-  
22                   ing “such disaster or emergency”; and

23                   (E) by striking “disaster stricken” and in-  
24                   serting “disaster- or emergency-stricken”; and



1 (7) in the flush matter following subparagraph  
2 (E), as so redesignated, by striking the period at the  
3 end and inserting the following: “: *Provided further,*  
4 That for purposes of subparagraph (D), the Admin-  
5 istrator shall deem that such an emergency affects  
6 each State or subdivision thereof (including coun-  
7 ties), and that each State or subdivision has suffi-  
8 cient economic damage to small business concerns to  
9 qualify for assistance under this paragraph and the  
10 Administrator shall accept applications for such as-  
11 sistance immediately.”.

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

13 **OTHER THAN ENGLISH.**

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

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
21 authorized to be appropriated to the Administrator  
22 \$25,000,000 to carry out this section.

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

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

1 (1) guaranteed by the Administration under—

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

3 (15 U.S.C. 636(a)), including a loan made

4 under the Community Advantage Pilot Program

5 of the Administration; or

6 (B) title V of the Small Business Invest-

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

8 (2) made by an intermediary to a small busi-

9 ness concern using loans or grants received under

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

11 636(m)).

12 (b) SENSE OF CONGRESS.—It is the sense of Con-

13 gress that—

14 (1) all borrowers are adversely affected by

15 COVID-19;

16 (2) relief payments by the Administration are

17 appropriate for all borrowers; and

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

19 Act, the Administration should encourage lenders to

20 provide payment deferments, when appropriate, and

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

22 avoid balloon payments or any requirement for in-

23 creases in debt payments resulting from deferments

24 provided by lenders during the period of the national

25 emergency declared by the President under the Na-

1 tional Emergencies Act (50 U.S.C. 1601 et seq.)  
2 with respect to the Coronavirus Disease 2019  
3 (COVID-19).

4 (c) PRINCIPAL AND INTEREST PAYMENTS.—

5 (1) IN GENERAL.—The Administrator shall pay  
6 the principal, interest, and any associated fees that  
7 are owed on a covered loan in a regular servicing  
8 status—

9 (A) with respect to a covered loan made  
10 before the date of enactment of this Act and  
11 not on deferment, for the 6-month period begin-  
12 ning with the next payment due on the covered  
13 loan;

14 (B) with respect to a covered loan made  
15 before the date of enactment of this Act and on  
16 deferment, for the 6-month period beginning  
17 with the next payment due on the covered loan  
18 after the deferment period; and

19 (C) with respect to a covered loan made  
20 during the period beginning on the date of en-  
21 actment of this Act and ending on the date that  
22 is 6 months after such date of enactment, for  
23 the 6-month period beginning with the first  
24 payment due on the covered loan.

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

5           (3) APPLICATION OF PAYMENT.—Any payment  
6 made by the Administrator under paragraph (1)  
7 shall be applied to the covered loan such that the  
8 borrower is relieved of the obligation to pay that  
9 amount.

10          (d) OTHER REQUIREMENTS.—The Administrator  
11 shall—

12           (1) communicate and coordinate with the Fed-  
13 eral Deposit Insurance Corporation, the Office of the  
14 Comptroller of the Currency, and State bank regu-  
15 lators to encourage those entities to not require  
16 lenders to increase their reserves on account of re-  
17 ceiving payments made by the Administrator under  
18 subsection (c);

19           (2) waive statutory limits on maximum loan  
20 maturities for any covered loan durations where the  
21 lender provides a deferral and extends the maturity  
22 of covered loans during the 1-year period following  
23 the date of enactment of this Act; and

24           (3) when necessary to provide more time be-  
25 cause of the potential of higher volumes, travel re-

1       strictions, and the inability to access some properties  
2       during the COVID–19 pandemic, extend lender site  
3       visit requirements to—

4               (A) not more than 60 days (which may be  
5               extended at the discretion of the Administra-  
6               tion) after the occurrence of an adverse event,  
7               other than a payment default, causing a loan to  
8               be classified as in liquidation; and

9               (B) not more than 90 days after a pay-  
10              ment default.

11       (e) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
12       tion may be construed to limit the authority of the Admin-  
13       istrator to make payments pursuant to subsection (c) with  
14       respect to a covered loan solely because the covered loan  
15       has been sold in the secondary market.

16       (f) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
17       authorized to be appropriated to the Administrator  
18       \$16,800,000,000 to carry out this section.

19       **SEC. 1113. BANKRUPTCY.**

20       (a) **SMALL BUSINESS DEBTOR REORGANIZATION.**—

21               (1) **IN GENERAL.**—Section 1182(1) of title 11,  
22       United States Code, is amended to read as follows:

23               “(1) **DEBTOR.**—The term ‘debtor’—

24                       “(A) subject to subparagraph (B), means a  
25               person engaged in commercial or business ac-

1           activities (including any affiliate of such person  
2           that is also a debtor under this title and exclud-  
3           ing a person whose primary activity is the busi-  
4           ness of owning single asset real estate) that has  
5           aggregate noncontingent liquidated secured and  
6           unsecured debts as of the date of the filing of  
7           the petition or the date of the order for relief  
8           in an amount not more than \$7,500,000 (ex-  
9           cluding debts owed to 1 or more affiliates or in-  
10          siders) not less than 50 percent of which arose  
11          from the commercial or business activities of  
12          the debtor; and

13                 “(B) does not include—

14                         “(i) any member of a group of affili-  
15                         ated debtors that has aggregate noncontin-  
16                         gent liquidated secured and unsecured  
17                         debts in an amount greater than  
18                         \$7,500,000 (excluding debt owed to 1 or  
19                         more affiliates or insiders);

20                         “(ii) any debtor that is a corporation  
21                         subject to the reporting requirements  
22                         under section 13 or 15(d) of the Securities  
23                         Exchange Act of 1934 (15 U.S.C. 78m,  
24                         78o(d)); or

1                   “(iii) any debtor that is an affiliate of  
2                   an issuer, as defined in section 3 of the Se-  
3                   curities Exchange Act of 1934 (15 U.S.C.  
4                   78c).”.

5                   (2) APPLICABILITY OF CHAPTERS.—Section  
6                   103(i) of title 11, United States Code, is amended  
7                   by striking “small business debtor” and inserting  
8                   “debtor (as defined in section 1182)”.

9                   (3) APPLICATION OF AMENDMENT.—The  
10                  amendment made by paragraph (1) shall apply only  
11                  with respect to cases commenced under title 11,  
12                  United States Code, on or after the date of enact-  
13                  ment of this Act.

14                  (4) TECHNICAL CORRECTIONS.—

15                  (A) DEFINITION OF SMALL BUSINESS  
16                  DEBTOR.—Section 101(51D)(B)(iii) of title 11,  
17                  United States Code, is amended to read as fol-  
18                  lows:

19                         “(iii) any debtor that is an affiliate of  
20                         an issuer (as defined in section 3 of the  
21                         Securities Exchange Act of 1934 (15  
22                         U.S.C. 78c)).”.

23                  (B) UNCLAIMED PROPERTY.—Section  
24                  347(b) of title 11, United States Code, is

1           amended by striking “1194” and inserting  
2           “1191”.

3           (5) SUNSET.—On the date that is 1 year after  
4           the date of enactment of this Act, section 1182(1)  
5           of title 11, United States Code, is amended to read  
6           as follows:

7           “(1) DEBTOR.—The term ‘debtor’ means a  
8           small business debtor.”.

9           (b) BANKRUPTCY RELIEF.—

10          (1) IN GENERAL.—

11           (A) EXCLUSION FROM CURRENT MONTHLY  
12           INCOME.—Section 101(10A)(B)(ii) of title 11,  
13           United States Code, is amended—

14           (i) in subclause (III), by striking “;  
15           and” and inserting a semicolon;

16           (ii) in subclause (IV), by striking the  
17           period at the end and inserting “; and”;  
18           and

19           (iii) by adding at the end the fol-  
20           lowing:

21           “(V) Payments made under Fed-  
22           eral law relating to the national emer-  
23           gency declared by the President under  
24           the National Emergencies Act (50  
25           U.S.C. 1601 et seq.) with respect to



1                   the coronavirus disease 2019  
2                   (COVID-19).”.

3                   (B) CONFIRMATION OF PLAN.—Section  
4                   1325(b)(2) of title 11, United States Code, is  
5                   amended by inserting “payments made under  
6                   Federal law relating to the national emergency  
7                   declared by the President under the National  
8                   Emergencies Act (50 U.S.C. 1601 et seq.) with  
9                   respect to the coronavirus disease 2019  
10                  (COVID-19),” after “other than”.

11                  (C) MODIFICATION OF PLAN AFTER CON-  
12                  FIRMATION.—Section 1329 of title 11, United  
13                  States Code, is amended by adding at end the  
14                  following:

15                  “(d)(1) Subject to paragraph (3), for a plan con-  
16                  firmed prior to the date of enactment of this subsection,  
17                  the plan may be modified upon the request of the debtor  
18                  if—

19                         “(A) the debtor is experiencing or has experi-  
20                         enced a material financial hardship due, directly or  
21                         indirectly, to the coronavirus disease 2019 (COVID-  
22                         19) pandemic; and

23                         “(B) the modification is approved after notice  
24                         and a hearing.

1           “(2) A plan modified under paragraph (1) may not  
2 provide for payments over a period that expires more than  
3 7 years after the time that the first payment under the  
4 original confirmed plan was due.

5           “(3) Sections 1322(a), 1322(b), 1323(c), and the re-  
6 quirements of section 1325(a) shall apply to any modifica-  
7 tion under paragraph (1).”.

8           (D) APPLICABILITY.—

9                   (i) The amendments made by sub-  
10 paragraphs (A) and (B) shall apply to any  
11 case commenced before, on, or after the  
12 date of enactment of this Act.

13                   (ii) The amendment made by subpara-  
14 graph (C) shall apply to any case for which  
15 a plan has been confirmed under section  
16 1325 of title 11, United States Code, be-  
17 fore the date of enactment of this Act.

18           (2) SUNSET.—

19           (A) IN GENERAL.—

20                   (i) EXCLUSION FROM CURRENT  
21 MONTHLY INCOME.—Section  
22 101(10A)(B)(ii) of title 11, United States  
23 Code, is amended—

1 (I) in subclause (III), by striking  
2 the semicolon at the end and inserting  
3 “; and”;

4 (II) in subclause (IV), by striking  
5 “; and” and inserting a period; and

6 (III) by striking subclause (V).

7 (ii) CONFIRMATION OF PLAN.—Sec-  
8 tion 1325(b)(2) of title 11, United States  
9 Code, is amended by striking “payments  
10 made under Federal law relating to the na-  
11 tional emergency declared by the President  
12 under the National Emergencies Act (50  
13 U.S.C. 1601 et seq.) with respect to the  
14 coronavirus disease 2019 (COVID-19),”.

15 (iii) MODIFICATION OF PLAN AFTER  
16 CONFIRMATION.—Section 1329 of title 11,  
17 United States Code, is amended by strik-  
18 ing subsection (d).

19 (B) EFFECTIVE DATE.—The amendments  
20 made by subparagraph (A) shall take effect on  
21 the date that is 1 year after the date of enact-  
22 ment of this Act.

23 **SEC. 1114. EMERGENCY RULEMAKING AUTHORITY.**

24 Not later than 15 days after the date of enactment  
25 of this Act, the Administrator shall issue regulations to

1 carry out this title and the amendments made by this title  
2 without regard to the notice requirements under section  
3 553(b) of title 5, United States Code.

4 **TITLE II—ASSISTANCE FOR**  
5 **AMERICAN WORKERS, FAMI-**  
6 **LIES, AND BUSINESSES**

7 **Subtitle A—Unemployment**  
8 **Insurance Provisions**

9 **SEC. 2101. SHORT TITLE.**

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

12 **SEC. 2102. PANDEMIC UNEMPLOYMENT ASSISTANCE.**

13 (a) DEFINITIONS.—In this section:

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

16 (2) COVID-19 PUBLIC HEALTH EMERGENCY.—  
17 The term “COVID-19 public health emergency”  
18 means the public health emergency declared by the  
19 Secretary of Health and Human Services on Janu-  
20 ary 27, 2020, with respect to the 2019 Novel  
21 Coronavirus.

22 (3) COVERED INDIVIDUAL.—The term “covered  
23 individual”—

24 (A) means an individual who—

1 (i) is not eligible for regular com-  
2 pensation or extended benefits under State  
3 or Federal law, including an individual who  
4 has exhausted all rights to regular unem-  
5 ployment or extended benefits under State  
6 or Federal law; and

7 (ii) provides self-certification that the  
8 individual—

9 (I) is otherwise able to work and  
10 available for work within the meaning  
11 of applicable State law, except the in-  
12 dividual is unemployed, partially un-  
13 employed, or unable or unavailable to  
14 work because—

15 (aa) the individual has been  
16 diagnosed with COVID-19 or is  
17 experiencing symptoms of  
18 COVID-19 and seeking a medical  
19 diagnosis;

20 (bb) a member of the indi-  
21 vidual's household has been diag-  
22 nosed with COVID-19;

23 (cc) the individual is pro-  
24 viding care for a family member  
25 or a member of the individual's

1 household who has been diag-  
2 nosed with COVID-19;

3 (dd) a child or other person  
4 in the household for which the in-  
5 dividual has primary caregiving  
6 responsibility is unable to attend  
7 school or another facility that is  
8 closed as a direct result of the  
9 COVID-19 public health emer-  
10 gency and such school or facility  
11 care is required for the individual  
12 to work;

13 (ee) the individual is unable  
14 to reach the place of employment  
15 because of a quarantine imposed  
16 as a direct result of a COVID-19  
17 outbreak;

18 (ff) the individual is unable  
19 to reach the place of employment  
20 because the individual has been  
21 advised by a health care provider  
22 to self-quarantine due to con-  
23 cerns related to COVID-19;

24 (gg) the individual was  
25 scheduled to commence employ-

1                   ment and does not have a job or  
2                   is unable to reach the job as a di-  
3                   rect result of a COVID-19 out-  
4                   break;

5                   (hh) the individual has be-  
6                   come the breadwinner or major  
7                   support for a household because  
8                   the head of the household has  
9                   died as a direct result of COVID-  
10                  19;

11                  (ii) the individual has to quit  
12                  his or her job as a direct result  
13                  of COVID-19;

14                  (jj) the individual's place of  
15                  employment is closed as a direct  
16                  result of the COVID-19 public  
17                  health emergency;

18                  (kk) the individual meets  
19                  any additional criteria established  
20                  by the Secretary for unemploy-  
21                  ment assistance under this sec-  
22                  tion; or

23                  (II) is self-employed, is seeking  
24                  part-time employment (if the State al-  
25                  lows an individual to receive regular

1                   unemployment compensation if the in-  
2                   dividual is seeking part-time employ-  
3                   ment), does not have sufficient work  
4                   history, or otherwise would not qualify  
5                   for regular unemployment under State  
6                   or Federal law and becomes unem-  
7                   ployed or cannot find work; and

8                   (B) does not include—

9                   (i) an individual who has the ability to  
10                  telework with pay; or

11                  (ii) an individual who is receiving paid  
12                  sick leave or other paid leave benefits, re-  
13                  gardless of whether the individual meets a  
14                  qualification described in items (aa)  
15                  through (jj) of subparagraph (A)(i)(I).

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

18                  (5) STATE.—The term “State” includes the  
19                  District of Columbia, the Commonwealth of Puerto  
20                  Rico, the Virgin Islands, Guam, American Samoa,  
21                  the Commonwealth of the Northern Mariana Is-  
22                  lands, Federated States of Micronesia, Republic of  
23                  the Marshall Islands, and the Trust Territory of the  
24                  Pacific Islands.



1           (b) ASSISTANCE FOR UNEMPLOYMENT AS A RESULT  
2 OF COVID-19.—Subject to subsection (c), the Secretary  
3 shall provide to any covered individual unemployment ben-  
4 efit assistance while such individual is unemployed, par-  
5 tially unemployed, or unable to work for the weeks of such  
6 unemployment with respect to which the individual is not  
7 entitled to any other unemployment compensation (as that  
8 term is defined in section 85(b) of title 26, United States  
9 Code) or waiting period credit.

10           (c) APPLICABILITY.—

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

15           (A) for weeks of unemployment, partial un-  
16 employment, or inability to work caused by  
17 COVID-19—

18           (i) beginning on or after January 27,  
19 2020; and

20           (ii) ending on or before December 31,  
21 2020; and

22           (B) subject to subparagraph (A)(ii), as  
23 long as the covered individual's unemployment,  
24 partial unemployment, or inability to work  
25 caused by COVID-19 continues.

1           (2) LIMITATION ON DURATION OF ASSIST-  
2           ANCE.—The total number of weeks for which a cov-  
3           ered individual may receive assistance under this  
4           section shall not exceed 39 weeks and such total  
5           shall include any week for which the covered indi-  
6           vidual received regular compensation or extended  
7           benefits under any Federal or State law, except that  
8           if after the date of enactment of this Act, the dura-  
9           tion of extended benefits is extended, the 39-week  
10          period described in this paragraph shall be extended  
11          by the number of weeks that is equal to the number  
12          of weeks by which the extended benefits were ex-  
13          tended.

14          (3) ASSISTANCE FOR UNEMPLOYMENT BEFORE  
15          DATE OF ENACTMENT.—The Secretary shall estab-  
16          lish a process for making assistance under this sec-  
17          tion available for weeks beginning on or after Janu-  
18          ary 27, 2020, and before the date of enactment of  
19          this Act.

20          (d) AMOUNT OF ASSISTANCE.—

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

24                         (A) be equal to the sum of —

1 (i) the weekly benefit amount author-  
2 ized under the unemployment compensa-  
3 tion law of the State where the covered in-  
4 dividual was employed, except that the  
5 amount may not be less than the minimum  
6 weekly benefit amount described in section  
7 625.6 of title 20, Code of Federal Regula-  
8 tions, or any successor thereto, and

9 (ii) the amount of Federal Pandemic  
10 Unemployment Compensation under sec-  
11 tion 2104; and

12 (B) in the case of an increase of the week-  
13 ly benefit amount after the date of enactment  
14 of this Act, be increased in an amount equal to  
15 such increase.

16 (2) CALCULATIONS OF AMOUNTS FOR CERTAIN  
17 COVERED INDIVIDUALS.—In the case of a covered  
18 individual who is self-employed, who lives in a terri-  
19 tory described in subsection (c) or (d) of section  
20 625.6 of title 20, Code of Federal Regulations, or  
21 who would not otherwise qualify for unemployment  
22 compensation under State law, the assistance au-  
23 thorized under subsection (b) for a week of unem-  
24 ployment shall be calculated in accordance with sec-  
25 tion 625.6 of title 20, Code of Federal Regulations,

1 or any successor thereto, and shall be increased by  
2 the amount of Federal Pandemic Unemployment  
3 Compensation under section 2104.

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

9 (f) AGREEMENTS WITH STATES.—

10 (1) IN GENERAL.—The Secretary shall provide  
11 the assistance authorized under subsection (b)  
12 through agreements with States which, in the judg-  
13 ment of the Secretary, have an adequate system for  
14 administering such assistance through existing State  
15 agencies.

16 (2) PAYMENTS TO STATES.—There shall be  
17 paid to each State which has entered into an agree-  
18 ment under this subsection an amount equal to 100  
19 percent of—

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

22 (B) any additional administrative expenses  
23 incurred by the State by reason of such agree-  
24 ment (as determined by the Secretary), includ-  
25 ing any administrative expenses necessary to fa-

1 facilitate processing of applications for assistance  
2 under this section online or by telephone rather  
3 than in-person.

4 (3) TERMS OF PAYMENTS.—Sums payable to  
5 any State by reason of such State's having an agree-  
6 ment under this subsection shall be payable, either  
7 in advance or by way of reimbursement (as deter-  
8 mined by the Secretary), in such amounts as the  
9 Secretary estimates the State will be entitled to re-  
10 ceive under this subsection for each calendar month,  
11 reduced or increased, as the case may be, by any  
12 amount by which the Secretary finds that his esti-  
13 mates for any prior calendar month were greater or  
14 less than the amounts which should have been paid  
15 to the State. Such estimates may be made on the  
16 basis of such statistical, sampling, or other method  
17 as may be agreed upon by the Secretary and the  
18 State agency of the State involved.

19 (g) FUNDING.—

20 (1) ASSISTANCE.—

21 (A) IN GENERAL.—Funds in the extended  
22 unemployment compensation account (as estab-  
23 lished by section 905(a) of the Social Security  
24 Act (42 U.S.C. 1105(a)) of the Unemployment  
25 Trust Fund (as established by section 904(a) of

1 such Act (42 U.S.C. 1104(a)) shall be used to  
2 make payments to States pursuant to sub-  
3 section (f)(2)(A).

4 (B) TRANSFER OF FUNDS.—Notwith-  
5 standing any other provision of law, the Sec-  
6 retary of the Treasury shall transfer from the  
7 general fund of the Treasury (from funds not  
8 otherwise appropriated) to the extended unem-  
9 ployment compensation account such sums as  
10 the Secretary of Labor estimates to be nec-  
11 essary to make payments described in subpara-  
12 graph (A). There are appropriated from the  
13 general fund of the Treasury, without fiscal  
14 year limitation, the sums referred to in the pre-  
15 ceding sentence and such sums shall not be re-  
16 quired to be repaid.

17 (2) ADMINISTRATIVE EXPENSES.—

18 (A) IN GENERAL.—Funds in the employ-  
19 ment security administration account (as estab-  
20 lished by section 901(a) of the Social Security  
21 Act (42 U.S.C. 1105(a)) of the Unemployment  
22 Trust Fund (as established by section 904(a) of  
23 such Act (42 U.S.C. 1104(a)) shall be used to  
24 make payments to States pursuant to sub-  
25 section (f)(2)(B).

1                   (B) TRANSFER OF FUNDS.—Notwith-  
2 standing any other provision of law, the Sec-  
3 retary of the Treasury shall transfer from the  
4 general fund of the Treasury (from funds not  
5 otherwise appropriated) to the employment se-  
6 curity administration account such sums as the  
7 Secretary of Labor estimates to be necessary to  
8 make payments described in subparagraph (A).  
9 There are appropriated from the general fund  
10 of the Treasury, without fiscal year limitation,  
11 the sums referred to in the preceding sentence  
12 and such sums shall not be required to be re-  
13 paid.

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

18                   (h) NON-APPLICATION OF THE PAPERWORK REDUC-  
19 TION ACT.—Chapter 35 of title 44, United States Code  
20 (commonly referred to as the “Paperwork Reduction Act  
21 of 1995”), shall not apply to this section.

1 **SEC. 2103. EMERGENCY UNEMPLOYMENT RELIEF FOR GOV-**  
2 **ERNMENTAL ENTITIES AND NONPROFIT OR-**  
3 **GANIZATIONS.**

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

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

14 “Transfers for Federal Reimbursement of State  
15 Unemployment Funds

16 “(i)(1)(A) In addition to any other amounts, the Sec-  
17 retary of Labor shall provide for the transfer of funds dur-  
18 ing the applicable period to the accounts of the States in  
19 the Unemployment Trust Fund, by transfer from amounts  
20 reserved for that purpose in the Federal unemployment  
21 account, in accordance with the succeeding provisions of  
22 this subsection.

23 “(B) The amount of funds transferred to the account  
24 of a State under subparagraph (A) during the applicable  
25 period shall, as determined by the Secretary of Labor, be  
26 equal to one half of the amounts of compensation (as de-



1 fined in section 3306(h) of the Internal Revenue Code of  
2 1986) attributable under the State law to service to which  
3 section 3309(a)(1) of such Code applies that were paid  
4 by the State for weeks of unemployment beginning and  
5 ending during such period. Such transfers shall be made  
6 at such times as the Secretary of Labor considers appro-  
7 priate.

8       “(C) Notwithstanding any other law, funds trans-  
9 ferred to the account of a State under subparagraph (A)  
10 shall be used exclusively to reimburse governmental enti-  
11 ties and other organizations described in section  
12 3309(a)(2) of such Code for amounts paid (in lieu of con-  
13 tributions) into the State unemployment fund pursuant to  
14 such section.

15       “(D) For purposes of this paragraph, the term ‘appli-  
16 cable period’ means the period beginning on March 13,  
17 2020, and ending on December 31, 2020.

18       “(2)(A) Notwithstanding any other provision of law,  
19 the Secretary of the Treasury shall transfer from the gen-  
20 eral fund of the Treasury (from funds not otherwise ap-  
21 propriated) to the Federal unemployment account such  
22 sums as the Secretary of Labor estimates to be necessary  
23 for purposes of making the transfers described in para-  
24 graph (1).

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

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

9   **SEC. 2104. EMERGENCY INCREASE IN UNEMPLOYMENT**  
10                                   **COMPENSATION BENEFITS.**

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

18           (b) PROVISIONS OF AGREEMENT.—

19                   (1) FEDERAL PANDEMIC UNEMPLOYMENT COM-  
20 PENSATION.—Any agreement under this section  
21 shall provide that the State agency of the State will  
22 make payments of regular compensation to individ-  
23 uals in amounts and to the extent that they would  
24 be determined if the State law of the State were ap-  
25 plied, with respect to any week for which the indi-

1       vidual is (disregarding this section) otherwise enti-  
2       tled under the State law to receive regular com-  
3       pensation, as if such State law had been modified in  
4       a manner such that the amount of regular com-  
5       pensation (including dependents' allowances) payable  
6       for any week shall be equal to—

7               (A) the amount determined under the  
8       State law (before the application of this para-  
9       graph), plus

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

13              (2) ALLOWABLE METHODS OF PAYMENT.—Any  
14       Federal Pandemic Unemployment Compensation  
15       provided for in accordance with paragraph (1) shall  
16       be payable either—

17              (A) as an amount which is paid at the  
18       same time and in the same manner as any reg-  
19       ular compensation otherwise payable for the  
20       week involved; or

21              (B) at the option of the State, by pay-  
22       ments which are made separately from, but on  
23       the same weekly basis as, any regular com-  
24       pensation otherwise payable.

25              (c) NONREDUCTION RULE.—

1           (1) IN GENERAL.—An agreement under this  
2 section shall not apply (or shall cease to apply) with  
3 respect to a State upon a determination by the Sec-  
4 retary that the method governing the computation of  
5 regular compensation under the State law of that  
6 State has been modified in a manner such that the  
7 number of weeks (the maximum benefit entitlement),  
8 and the average weekly benefit amount, of regular  
9 compensation which will be payable during the pe-  
10 riod of the agreement (determined disregarding any  
11 Federal Pandemic Unemployment Compensation)  
12 will be less than the number of weeks, and the aver-  
13 age weekly benefit amount, of the average weekly  
14 benefit amount of regular compensation which would  
15 otherwise have been payable during such period  
16 under the State law, as in effect on January 1,  
17 2020.

18           (2) MAXIMUM BENEFIT ENTITLEMENT.—In  
19 paragraph (1), the term “maximum benefit entitle-  
20 ment” means the amount of regular unemployment  
21 compensation payable to an individual with respect  
22 to the individual’s benefit year.

23           (d) PAYMENTS TO STATES.—

24           (1) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

17          (f) FRAUD AND OVERPAYMENTS.—

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

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

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

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

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

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

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

24 (3) RECOVERY BY STATE AGENCY.—

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

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



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

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

14          (h) DISREGARD OF ADDITIONAL COMPENSATION FOR  
15          PURPOSES OF MEDICAID AND CHIP.—The monthly  
16          equivalent of any Federal pandemic unemployment com-  
17          pensation paid under this section shall be disregarded in  
18          considering the amount of income of an individual for any  
19          purposes under title XIX and title XXI of the Social Secu-  
20          rity Act.

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

22                (1) the terms “compensation”, “regular com-  
23                pensation”, “benefit year”, “State”, “State agency”,  
24                “State law”, and “week” have the respective mean-  
25                ings given such terms under section 205 of the Fed-

1       eral-State Extended Unemployment Compensation  
2       Act of 1970 (26 U.S.C. 3304 note); and

3               (2) any reference to unemployment benefits de-  
4       scribed in this paragraph shall be considered to refer  
5       to—

6               (A) extended compensation (as defined by  
7       section 205 of the Federal-State Extended Un-  
8       employment Compensation Act of 1970);

9               (B) regular compensation (as defined by  
10       section 85(b) of the Internal Revenue Code of  
11       1986) provided under any program adminis-  
12       tered by a State under an agreement with the  
13       Secretary; and

14              (C) pandemic unemployment assistance  
15       under section 2102.

16       (j) NON-APPLICATION OF THE PAPERWORK REDUC-  
17       TION ACT.—Chapter 35 of title 44, United States Code  
18       (commonly referred to as the “Paperwork Reduction Act  
19       of 1995”), shall not apply to this section.

20       **SEC. 2105. TEMPORARY FULL FEDERAL FUNDING OF THE**  
21                       **FIRST WEEK OF COMPENSABLE REGULAR**  
22                       **UNEMPLOYMENT FOR STATES WITH NO WAIT-**  
23                       **ING WEEK.**

24       (a) FEDERAL-STATE AGREEMENTS.—Any State  
25       which desires to do so may enter into and participate in

1 an agreement under this section with the Secretary of  
2 Labor (in this section referred to as the “Secretary”). Any  
3 State which is a party to an agreement under this section  
4 may, upon providing 30 days’ written notice to the Sec-  
5 retary, terminate such agreement.

6 (b) REQUIREMENT THAT STATE LAW DOES NOT  
7 APPLY A WAITING WEEK.—A State is eligible to enter  
8 into an agreement under this section if the State law (in-  
9 cluding a waiver of State law) provides that compensation  
10 is paid to individuals for their first week of regular unem-  
11 ployment without a waiting week. An agreement under  
12 this section shall not apply (or shall cease to apply) with  
13 respect to a State upon a determination by the Secretary  
14 that the State law no longer meets the requirement under  
15 the preceding sentence.

16 (c) PAYMENTS TO STATES.—

17 (1) FULL REIMBURSEMENT.—There shall be  
18 paid to each State which has entered into an agree-  
19 ment under this section an amount equal to 100 per-  
20 cent of—

21 (A) the total amount of regular compensa-  
22 tion paid to individuals by the State for their  
23 first week of regular unemployment; and

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

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

19 (d) FUNDING.—

20 (1) COMPENSATION.—

21 (A) IN GENERAL.—Funds in the Federal  
22 unemployment account (as established by sec-  
23 tion 905(g)) of the Unemployment Trust Fund  
24 (as established by section 904(a)) shall be used  
25 to make payments under subsection (c)(1)(A).

1           (B) TRANSFER OF FUNDS.—Notwith-  
2 standing any other provision of law, the Sec-  
3 retary of the Treasury shall transfer from the  
4 general fund of the Treasury (from funds not  
5 otherwise appropriated) to the Federal unem-  
6 ployment account such sums as the Secretary of  
7 Labor estimates to be necessary to make pay-  
8 ments described in subparagraph (A). There  
9 are appropriated from the general fund of the  
10 Treasury, without fiscal year limitation, the  
11 sums referred to in the preceding sentence and  
12 such sums shall not be required to be repaid.

13 (2) ADMINISTRATIVE EXPENSES.—

14           (A) IN GENERAL.—Funds in the employ-  
15 ment security administration account (as estab-  
16 lished by section 901(a) of the Social Security  
17 Act (42 U.S.C. 1105(a)) of the Unemployment  
18 Trust Fund (as established by section 904(a) of  
19 such Act (42 U.S.C. 1104(a)) shall be used to  
20 make payments to States pursuant to sub-  
21 section (c)(1)(B).

22           (B) TRANSFER OF FUNDS.—Notwith-  
23 standing any other provision of law, the Sec-  
24 retary of the Treasury shall transfer from the  
25 general fund of the Treasury (from funds not

1 otherwise appropriated) to the employment se-  
2 curity administration account such sums as the  
3 Secretary of Labor estimates to be necessary to  
4 make payments described in subparagraph (A).  
5 There are appropriated from the general fund  
6 of the Treasury, without fiscal year limitation,  
7 the sums referred to in the preceding sentence  
8 and such sums shall not be required to be re-  
9 paid.

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

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

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

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

19 (f) FRAUD AND OVERPAYMENTS.—The provisions of  
20 section 2107(e) shall apply with respect to compensation  
21 paid under an agreement under this section to the same  
22 extent and in the same manner as in the case of pandemic  
23 emergency unemployment compensation under such sec-  
24 tion.

1 (g) DEFINITIONS.—For purposes of this section, the  
2 terms “regular compensation”, “State”, “State agency”,  
3 “State law”, and “week” have the respective meanings  
4 given such terms under section 205 of the Federal-State  
5 Extended Unemployment Compensation Act of 1970 (26  
6 U.S.C. 3304 note).

7 (h) NON-APPLICATION OF THE PAPERWORK REDUC-  
8 TION ACT.—Chapter 35 of title 44, United States Code  
9 (commonly referred to as the “Paperwork Reduction Act  
10 of 1995”), shall not apply to this section.

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

12 Section 4102(b) of the Emergency Unemployment  
13 Stabilization and Access Act of 2020 (contained in division  
14 D of the Families First Coronavirus Response Act) is  
15 amended—

16 (1) by striking “or employer experience rating”  
17 and inserting “employer experience rating, or, sub-  
18 ject to the succeeding sentence, personnel standards  
19 on a merit basis”; and

20 (2) by adding at the end the following new sen-  
21 tence: “The emergency flexibility for personnel  
22 standards on a merit basis shall only apply through  
23 December 31, 2020, and is limited to engaging of  
24 temporary staff, rehiring of retirees or former em-  
25 ployees on a non-competitive basis, and other tem-

1       porary actions to quickly process applications and  
2       claims.”.

3       **SEC. 2107. PANDEMIC EMERGENCY UNEMPLOYMENT COM-**  
4       **PENSATION.**

5       (a) FEDERAL-STATE AGREEMENTS.—

6             (1) IN GENERAL.—Any State which desires to  
7       do so may enter into and participate in an agree-  
8       ment under this section with the Secretary of Labor  
9       (in this section referred to as the “Secretary”). Any  
10      State which is a party to an agreement under this  
11      section may, upon providing 30 days’ written notice  
12      to the Secretary, terminate such agreement.

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

18            (A) have exhausted all rights to regular  
19      compensation under the State law or under  
20      Federal law with respect to a benefit year (ex-  
21      cluding any benefit year that ended before  
22      July1, 2019);

23            (B) have no rights to regular compensation  
24      with respect to a week under such law or any



1 other State unemployment compensation law or  
2 to compensation under any other Federal law;

3 (C) are not receiving compensation with  
4 respect to such week under the unemployment  
5 compensation law of Canada; and

6 (D) are able to work, available to work,  
7 and actively seeking work.

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

12 (A) no payments of regular compensation  
13 can be made under such law because such indi-  
14 vidual has received all regular compensation  
15 available to such individual based on employ-  
16 ment or wages during such individual's base pe-  
17 riod; or

18 (B) such individual's rights to such com-  
19 pensation have been terminated by reason of  
20 the expiration of the benefit year with respect  
21 to which such rights existed.

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

24 (A) the amount of pandemic emergency  
25 unemployment compensation which shall be

1 payable to any individual for any week of total  
2 unemployment shall be equal to the amount of  
3 the regular compensation (including depend-  
4 ents' allowances) payable to such individual  
5 during such individual's benefit year under the  
6 State law for a week of total unemployment;

7 (B) the terms and conditions of the State  
8 law which apply to claims for regular compensa-  
9 tion and to the payment thereof (including  
10 terms and conditions relating to availability for  
11 work, active search for work, and refusal to ac-  
12 cept work) shall apply to claims for pandemic  
13 emergency unemployment compensation and the  
14 payment thereof, except where otherwise incon-  
15 sistent with the provisions of this section or  
16 with the regulations or operating instructions of  
17 the Secretary promulgated to carry out this sec-  
18 tion; and

19 (C) the maximum amount of pandemic  
20 emergency unemployment compensation payable  
21 to any individual for whom an pandemic emer-  
22 gency unemployment compensation account is  
23 established under subsection (b) shall not ex-  
24 ceed the amount established in such account for  
25 such individual.

1           (5) COORDINATION RULE.—An agreement  
2 under this section shall apply with respect to a State  
3 only upon a determination by the Secretary that,  
4 under the State law or other applicable rules of such  
5 State, the payment of extended compensation for  
6 which an individual is otherwise eligible must be de-  
7 ferred until after the payment of any pandemic  
8 emergency unemployment compensation under sub-  
9 section (b) for which the individual is concurrently  
10 eligible.

11           (6) NONREDUCTION RULE.—

12           (A) IN GENERAL.—An agreement under  
13 this section shall not apply (or shall cease to  
14 apply) with respect to a State upon a deter-  
15 mination by the Secretary that the method gov-  
16 erning the computation of regular compensation  
17 under the State law of that State has been  
18 modified in a manner such that the number of  
19 weeks (the maximum benefit entitlement), and  
20 the average weekly benefit amount, of regular  
21 compensation which will be payable during the  
22 period of the agreement will be less than the  
23 number of weeks, and the average weekly ben-  
24 efit amount, of the average weekly benefit  
25 amount of regular compensation which would

1 otherwise have been payable during such period  
2 under the State law, as in effect on January 1,  
3 2020.

4 (B) MAXIMUM BENEFIT ENTITLEMENT.—  
5 In subparagraph (A), the term “maximum ben-  
6 efit entitlement” means the amount of regular  
7 unemployment compensation payable to an indi-  
8 vidual with respect to the individual’s benefit  
9 year.

10 (7) ACTIVELY SEEKING WORK.—

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

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

18 (ii) has engaged in an active search  
19 for employment that is appropriate in light  
20 of the employment available in the labor  
21 market, the individual’s skills and capabili-  
22 ties, and includes a number of employer  
23 contacts that is consistent with the stand-  
24 ards communicated to the individual by the  
25 State;

1 (iii) has maintained a record of such  
2 work search, including employers con-  
3 tacted, method of contact, and date con-  
4 tacted; and

5 (iv) when requested, has provided  
6 such work search record to the State agen-  
7 cy.

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

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

20 (b) PANDEMIC EMERGENCY UNEMPLOYMENT COM-  
21 PENSATION ACCOUNT.—

22 (1) IN GENERAL.—Any agreement under this  
23 section shall provide that the State will establish, for  
24 each eligible individual who files an application for  
25 pandemic emergency unemployment compensation,

1 an pandemic emergency unemployment compensa-  
2 tion account with respect to such individual's benefit  
3 year.

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

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

14 (c) PAYMENTS TO STATES HAVING AGREEMENTS  
15 FOR THE PAYMENT OF PANDEMIC EMERGENCY UNEM-  
16 PLOYMENT COMPENSATION.—

17 (1) IN GENERAL.—There shall be paid to each  
18 State that has entered into an agreement under this  
19 section an amount equal to 100 percent of the pan-  
20 demic emergency unemployment compensation paid  
21 to individuals by the State pursuant to such agree-  
22 ment.

23 (2) TREATMENT OF REIMBURSABLE COMPENSA-  
24 TION.—No payment shall be made to any State  
25 under this section in respect of any compensation to

1 the extent the State is entitled to reimbursement in  
2 respect of such compensation under the provisions of  
3 any Federal law other than this section or chapter  
4 85 of title 5, United States Code. A State shall not  
5 be entitled to any reimbursement under such chapter  
6 85 in respect of any compensation to the extent the  
7 State is entitled to reimbursement under this section  
8 in respect of such compensation.

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

24 (d) FINANCING PROVISIONS.—

25 (1) COMPENSATION.—

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

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

22          (2) ADMINISTRATION.—

23               (A) IN GENERAL.—There are appropriated  
24               out of the employment security administration  
25               account (as established by section 901(a) of the



1 Social Security Act (42 U.S.C. 1101(a)) of the  
2 Unemployment Trust Fund, without fiscal year  
3 limitation, such funds as may be necessary for  
4 purposes of assisting States (as provided in title  
5 III of the Social Security Act (42 U.S.C. 501  
6 et seq.)) in meeting the costs of administration  
7 of agreements under this section.

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

21 (3) CERTIFICATION.—The Secretary shall from  
22 time to time certify to the Secretary of the Treasury  
23 for payment to each State the sums payable to such  
24 State under this subsection. The Secretary of the  
25 Treasury, prior to audit or settlement by the Gov-

1       ernment Accountability Office, shall make payments  
2       to the State in accordance with such certification, by  
3       transfers from the extended unemployment com-  
4       pensation account (as so established) to the account  
5       of such State in the Unemployment Trust Fund (as  
6       so established).

7       (e) FRAUD AND OVERPAYMENTS.—

8               (1) IN GENERAL.—If an individual knowingly  
9       has made, or caused to be made by another, a false  
10      statement or representation of a material fact, or  
11      knowingly has failed, or caused another to fail, to  
12      disclose a material fact, and as a result of such false  
13      statement or representation or of such nondisclosure  
14      such individual has received an amount of pandemic  
15      emergency unemployment compensation under this  
16      section to which such individual was not entitled,  
17      such individual—

18               (A) shall be ineligible for further pandemic  
19      emergency unemployment compensation under  
20      this section in accordance with the provisions of  
21      the applicable State unemployment compensa-  
22      tion law relating to fraud in connection with a  
23      claim for unemployment compensation; and

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

1           (2) REPAYMENT.—In the case of individuals  
2 who have received amounts of pandemic emergency  
3 unemployment compensation under this section to  
4 which they were not entitled, the State shall require  
5 such individuals to repay the amounts of such pan-  
6 demic emergency unemployment compensation to the  
7 State agency, except that the State agency may  
8 waive such repayment if it determines that—

9           (A) the payment of such pandemic emer-  
10 gency unemployment compensation was without  
11 fault on the part of any such individual; and

12           (B) such repayment would be contrary to  
13 equity and good conscience.

14           (3) RECOVERY BY STATE AGENCY.—

15           (A) IN GENERAL.—The State agency shall  
16 recover the amount to be repaid, or any part  
17 thereof, by deductions from any pandemic  
18 emergency unemployment compensation payable  
19 to such individual under this section or from  
20 any unemployment compensation payable to  
21 such individual under any State or Federal un-  
22 employment compensation law administered by  
23 the State agency or under any other State or  
24 Federal law administered by the State agency  
25 which provides for the payment of any assist-

1           ance or allowance with respect to any week of  
2           unemployment, during the 3-year period after  
3           the date such individuals received the payment  
4           of the pandemic emergency unemployment com-  
5           pensation to which they were not entitled, in ac-  
6           cordance with the same procedures as apply to  
7           the recovery of overpayments of regular unem-  
8           ployment benefits paid by the State.

9                   (B) OPPORTUNITY FOR HEARING.—No re-  
10           payment shall be required, and no deduction  
11           shall be made, until a determination has been  
12           made, notice thereof and an opportunity for a  
13           fair hearing has been given to the individual,  
14           and the determination has become final.

15                   (4) REVIEW.—Any determination by a State  
16           agency under this section shall be subject to review  
17           in the same manner and to the same extent as deter-  
18           minations under the State unemployment compensa-  
19           tion law, and only in that manner and to that ex-  
20           tent.

21                   (f) DEFINITIONS.—In this section, the terms “com-  
22           pensation”, “regular compensation”, “extended compensa-  
23           tion”, “benefit year”, “base period”, “State”, “State  
24           agency”, “State law”, and “week” have the respective  
25           meanings given such terms under section 205 of the Fed-

1 eral-State Extended Unemployment Compensation Act of  
2 1970 (26 U.S.C. 3304 note).

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

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

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

8 **SEC. 2108. TEMPORARY FINANCING OF SHORT-TIME COM-**  
9 **PENSATION PAYMENTS IN STATES WITH PRO-**  
10 **GRAMS IN LAW.**

11 (a) PAYMENTS TO STATES.—

12 (1) IN GENERAL.—Subject to paragraph (3),  
13 there shall be paid to a State an amount equal to  
14 100 percent of the amount of short-time compensa-  
15 tion paid under a short-time compensation program  
16 (as defined in section 3306(v) of the Internal Rev-  
17 enue Code of 1986) under the provisions of the  
18 State law.

19 (2) TERMS OF PAYMENTS.—Payments made to  
20 a State under paragraph (1) shall be payable by way  
21 of reimbursement in such amounts as the Secretary  
22 estimates the State will be entitled to receive under  
23 this section for each calendar month, reduced or in-  
24 creased, as the case may be, by any amount by  
25 which the Secretary finds that the Secretary's esti-

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

7               (3) LIMITATIONS ON PAYMENTS.—

8                       (A) GENERAL PAYMENT LIMITATIONS.—

9       No payments shall be made to a State under  
10       this section for short-time compensation paid to  
11       an individual by the State during a benefit year  
12       in excess of 26 times the amount of regular  
13       compensation (including dependents' allow-  
14       ances) under the State law payable to such in-  
15       dividual for a week of total unemployment.

16                      (B) EMPLOYER LIMITATIONS.—No pay-  
17       ments shall be made to a State under this sec-  
18       tion for benefits paid to an individual by the  
19       State under a short-time compensation program  
20       if such individual is employed by the partici-  
21       pating employer on a seasonal, temporary, or  
22       intermittent basis.

23       (b) APPLICABILITY.—Payments to a State under  
24       subsection (a) shall be available for weeks of unemploy-  
25       ment—

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

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

4           (c) NEW PROGRAMS.—Subject to subsection (b)(2),  
5 if at any point after the date of the enactment of this Act  
6 the State enacts a State law providing for the payment  
7 of short-time compensation under a short-time compensa-  
8 tion program that meets the definition of such a program  
9 under section 3306(v) of the Internal Revenue Code of  
10 1986, the State shall be eligible for payments under this  
11 section after the effective date of such enactment.

12          (d) FUNDING AND CERTIFICATIONS.—

13           (1) FUNDING.—There are appropriated, out of  
14 moneys in the Treasury not otherwise appropriated,  
15 such sums as may be necessary for purposes of car-  
16 rying out this section.

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

21          (e) DEFINITIONS.—In this section:

22           (1) SECRETARY.—The term “Secretary” means  
23 the Secretary of Labor.

24           (2) STATE; STATE AGENCY; STATE LAW.—The  
25 terms “State”, “State agency”, and “State law”

1 have the meanings given those terms in section 205  
2 of the Federal-State Extended Unemployment Com-  
3 pensation Act of 1970 (26 U.S.C. 3304 note).

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

9 **SEC. 2109. TEMPORARY FINANCING OF SHORT-TIME COM-**  
10 **PENSATION AGREEMENTS.**

11 (a) FEDERAL-STATE AGREEMENTS.—

12 (1) IN GENERAL.—Any State which desires to  
13 do so may enter into, and participate in, an agree-  
14 ment under this section with the Secretary provided  
15 that such State’s law does not provide for the pay-  
16 ment of short-time compensation under a short-time  
17 compensation program (as defined in section  
18 3306(v) of the Internal Revenue Code of 1986).

19 (2) ABILITY TO TERMINATE.—Any State which  
20 is a party to an agreement under this section may,  
21 upon providing 30 days’ written notice to the Sec-  
22 retary, terminate such agreement.

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

24 (1) IN GENERAL.—Any agreement under this  
25 section shall provide that the State agency of the



1 State will make payments of short-time compensa-  
2 tion under a plan approved by the State. Such plan  
3 shall provide that payments are made in accordance  
4 with the requirements under section 3306(v) of the  
5 Internal Revenue Code of 1986.

6 (2) LIMITATIONS ON PLANS.—

7 (A) GENERAL PAYMENT LIMITATIONS.—A  
8 short-time compensation plan approved by a  
9 State shall not permit the payment of short-  
10 time compensation to an individual by the State  
11 during a benefit year in excess of 26 times the  
12 amount of regular compensation (including de-  
13 pendents' allowances) under the State law pay-  
14 able to such individual for a week of total un-  
15 employment.

16 (B) EMPLOYER LIMITATIONS.—A short-  
17 time compensation plan approved by a State  
18 shall not provide payments to an individual if  
19 such individual is employed by the participating  
20 employer on a seasonal, temporary, or intermit-  
21 tent basis.

22 (3) EMPLOYER PAYMENT OF COSTS.—Any  
23 short-time compensation plan entered into by an em-  
24 ployer must provide that the employer will pay the  
25 State an amount equal to one-half of the amount of

1 short-time compensation paid under such plan. Such  
2 amount shall be deposited in the State's unemploy-  
3 ment fund and shall not be used for purposes of cal-  
4 culating an employer's contribution rate under sec-  
5 tion 3303(a)(1) of the Internal Revenue Code of  
6 1986.

7 (c) PAYMENTS TO STATES.—

8 (1) IN GENERAL.—There shall be paid to each  
9 State with an agreement under this section an  
10 amount equal to—

11 (A) one-half of the amount of short-time  
12 compensation paid to individuals by the State  
13 pursuant to such agreement; and

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

17 (2) TERMS OF PAYMENTS.—Payments made to  
18 a State under paragraph (1) shall be payable by way  
19 of reimbursement in such amounts as the Secretary  
20 estimates the State will be entitled to receive under  
21 this section for each calendar month, reduced or in-  
22 creased, as the case may be, by any amount by  
23 which the Secretary finds that the Secretary's esti-  
24 mates for any prior calendar month were greater or  
25 less than the amounts which should have been paid

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

5 (3) FUNDING.—There are appropriated, out of  
6 moneys in the Treasury not otherwise appropriated,  
7 such sums as may be necessary for purposes of car-  
8 rying out this section.

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

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

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

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

18 (e) SPECIAL RULE.—If a State has entered into an  
19 agreement under this section and subsequently enacts a  
20 State law providing for the payment of short-time com-  
21 pensation under a short-time compensation program that  
22 meets the definition of such a program under section  
23 3306(v) of the Internal Revenue Code of 1986, the  
24 State—

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

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

7 (f) DEFINITIONS.—In this section:

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

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

15 **SEC. 2110. GRANTS FOR SHORT-TIME COMPENSATION PRO-**  
16 **GRAMS.**

17 (a) GRANTS.—

18           (1) FOR IMPLEMENTATION OR IMPROVED AD-  
19 MINISTRATION.—The Secretary shall award grants  
20 to States that enact short-time compensation pro-  
21 grams (as defined in subsection (i)(2)) for the pur-  
22 pose of implementation or improved administration  
23 of such programs.

24           (2) FOR PROMOTION AND ENROLLMENT.—The  
25 Secretary shall award grants to States that are eligi-

1 ble and submit plans for a grant under paragraph  
2 (1) for such States to promote and enroll employers  
3 in short-time compensation programs (as so de-  
4 fined).

5 (3) ELIGIBILITY.—

6 (A) IN GENERAL.—The Secretary shall de-  
7 termine eligibility criteria for the grants under  
8 paragraphs (1) and (2).

9 (B) CLARIFICATION.—A State admin-  
10 istering a short-time compensation program  
11 that does not meet the definition of a short-  
12 time compensation program under section  
13 3306(v) of the Internal Revenue Code of 1986,  
14 and a State with an agreement under section  
15 2109, shall not be eligible to receive a grant  
16 under this section until such time as the State  
17 law of the State provides for payments under a  
18 short-time compensation program that meets  
19 such definition and such law.

20 (b) AMOUNT OF GRANTS.—

21 (1) IN GENERAL.—The maximum amount avail-  
22 able for making grants to a State under paragraphs  
23 (1) and (2) shall be equal to the amount obtained  
24 by multiplying \$100,000,000 (less the amount used  
25 by the Secretary under subsection (e)) by the same

1 ratio as would apply under subsection (a)(2)(B) of  
2 section 903 of the Social Security Act (42 U.S.C.  
3 1103) for purposes of determining such State's  
4 share of any excess amount (as described in sub-  
5 section (a)(1) of such section) that would have been  
6 subject to transfer to State accounts, as of October  
7 1, 2019, under the provisions of subsection (a) of  
8 such section.

9 (2) AMOUNT AVAILABLE FOR DIFFERENT  
10 GRANTS.—Of the maximum incentive payment deter-  
11 mined under paragraph (1) with respect to a  
12 State—

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

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

17 (c) GRANT APPLICATION AND DISBURSAL.—

18 (1) APPLICATION.—Any State seeking a grant  
19 under paragraph (1) or (2) of subsection (a) shall  
20 submit an application to the Secretary at such time,  
21 in such manner, and complete with such information  
22 as the Secretary may require. In no case may the  
23 Secretary award a grant under this section with re-  
24 spect to an application that is submitted after De-  
25 cember 31, 2023.

1           (2) NOTICE.—The Secretary shall, within 30  
2 days after receiving a complete application, notify  
3 the State agency of the State of the Secretary’s find-  
4 ings with respect to the requirements for a grant  
5 under paragraph (1) or (2) (or both) of subsection  
6 (a).

7           (3) CERTIFICATION.—If the Secretary finds  
8 that the State law provisions meet the requirements  
9 for a grant under subsection (a), the Secretary shall  
10 thereupon make a certification to that effect to the  
11 Secretary of the Treasury, together with a certifi-  
12 cation as to the amount of the grant payment to be  
13 transferred to the State account in the Unemploy-  
14 ment Trust Fund (as established in section 904(a)  
15 of the Social Security Act (42 U.S.C. 1104(a))) pur-  
16 suant to that finding. The Secretary of the Treasury  
17 shall make the appropriate transfer to the State ac-  
18 count within 7 days after receiving such certifi-  
19 cation.

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

24                   (A) State law is not otherwise eligible for  
25 certification under section 303 of the Social Se-

1 security Act (42 U.S.C. 503) or approvable under  
2 section 3304 of the Internal Revenue Code of  
3 1986; or

4 (B) short-time compensation program is  
5 subject to discontinuation or is not scheduled to  
6 take effect within 12 months of the certifi-  
7 cation.

8 (d) USE OF FUNDS.—The amount of any grant  
9 awarded under this section shall be used for the implemen-  
10 tation of short-time compensation programs and the over-  
11 all administration of such programs and the promotion  
12 and enrollment efforts associated with such programs,  
13 such as through—

14 (1) the creation or support of rapid response  
15 teams to advise employers about alternatives to lay-  
16 offs;

17 (2) the provision of education or assistance to  
18 employers to enable them to assess the feasibility of  
19 participating in short-time compensation programs;  
20 and

21 (3) the development or enhancement of systems  
22 to automate—

23 (A) the submission and approval of plans;  
24 and



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

3 (e) ADMINISTRATION.—The Secretary is authorized  
4 to use 0.25 percent of the funds available under subsection  
5 (g) to provide for outreach and to share best practices with  
6 respect to this section and short-time compensation pro-  
7 grams.

8 (f) RECOUPMENT.—The Secretary shall establish a  
9 process under which the Secretary shall recoup the  
10 amount of any grant awarded under paragraph (1) or (2)  
11 of subsection (a) if the Secretary determines that, during  
12 the 5-year period beginning on the first date that any such  
13 grant is awarded to the State, the State—

14 (1) terminated the State's short-time compensa-  
15 tion program; or

16 (2) failed to meet appropriate requirements  
17 with respect to such program (as established by the  
18 Secretary).

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

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

1 (i) DEFINITIONS.—In this section:

2 (1) SECRETARY.—The term “Secretary” means  
3 the Secretary of Labor.

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

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

13 **SEC. 2111. ASSISTANCE AND GUIDANCE IN IMPLEMENTING**  
14 **PROGRAMS.**

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

20 (1) develop model legislative language, or dis-  
21 seminate existing model legislative language, which  
22 may be used by States in developing and enacting  
23 such programs and periodically review and revise  
24 such model legislative language;

1           (2) provide technical assistance and guidance in  
2           developing, enacting, and implementing such pro-  
3           grams;

4           (3) establish reporting requirements for States,  
5           including reporting on—

6                   (A) the number of estimated averted lay-  
7                   offs;

8                   (B) the number of participating employers  
9                   and workers; and

10                   (C) such other items as the Secretary of  
11           Labor determines are appropriate.

12           (b) MODEL LANGUAGE AND GUIDANCE.—The model  
13           language and guidance developed under subsection (a)  
14           shall allow sufficient flexibility by States and participating  
15           employers while ensuring accountability and program in-  
16           tegrity.

17           (c) CONSULTATION.—In developing the model legisla-  
18           tive language and guidance under subsection (a), and in  
19           order to meet the requirements of subsection (b), the Sec-  
20           retary shall consult with employers, labor organizations,  
21           State workforce agencies, and other program experts. Ex-  
22           isting model legislative language that has been developed  
23           through such a consultative process shall be deemed to  
24           meet the consultation requirement of this subsection.

1 (d) REPEAL.—Section 4104 of the Emergency Unem-  
2 ployment Stabilization and Access Act of 2020 (contained  
3 in division D of the Families First Coronavirus Response  
4 Act) is repealed.

5 **SEC. 2112. WAIVER OF THE 7-DAY WAITING PERIOD FOR**  
6 **BENEFITS UNDER THE RAILROAD UNEM-**  
7 **PLOYMENT INSURANCE ACT.**

8 (a) NO WAITING WEEK.—With respect to any reg-  
9 istration period beginning after the date of enactment of  
10 this Act and ending on or before December 31, 2020, sub-  
11 paragraphs (A)(ii) and (B)(ii) of section 2(a)(1) of the  
12 Railroad Unemployment Insurance Act (45 U.S.C.  
13 352(a)(1)) shall not apply.

14 (b) REGULATIONS.—The Railroad Retirement Board  
15 may prescribe any operating instructions or regulations  
16 necessary to carry out this section.

17 (c) FUNDING.—Out of any funds in the Treasury not  
18 otherwise appropriated, there are appropriated  
19 \$50,000,000 to cover the costs of additional benefits pay-  
20 able due to the application of subsection (a). Upon the  
21 exhaustion of the funds appropriated under this sub-  
22 section, subsection (a) shall no longer apply with respect  
23 to any registration period beginning after the date of ex-  
24 haustion of funds.

1 (d) DEFINITION OF REGISTRATION PERIOD.—For  
2 purposes of this section, the term “registration period”  
3 has the meaning given such term under section 1 of the  
4 Railroad Unemployment Insurance Act (45 U.S.C. 351).

5 **SEC. 2113. ENHANCED BENEFITS UNDER THE RAILROAD**  
6 **UNEMPLOYMENT INSURANCE ACT.**

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

10 “(5)(A) Notwithstanding paragraph (3), subsection  
11 (c)(1)(B), and any other limitation on total benefits in this  
12 Act, for registration periods beginning on or after April  
13 1, 2020, but on or before July 31, 2020, a recovery benefit  
14 in the amount of \$1,200 shall be payable to a qualified  
15 employee with respect to any registration period in which  
16 the employee received unemployment benefits under para-  
17 graph (1)(A), and in any registration period in which the  
18 employee did not receive unemployment benefits due to the  
19 limitation in subsection (c)(1)(B) or due to reaching the  
20 maximum number of days of benefits in the benefit year  
21 beginning July 1, 2019, under subsection (c)(1)(A). No  
22 recovery benefits shall be payable under this section upon  
23 the exhaustion of the funds appropriated under subpara-  
24 graph (B) for payment of benefits under this subpara-  
25 graph.

1 “(B) Out of any funds in the Treasury not otherwise  
2 appropriated, there are appropriated \$425,000,000 to  
3 cover the cost of recovery benefits provided under subpara-  
4 graph (A), to remain available until expended.”.

5 **SEC. 2114. EXTENDED UNEMPLOYMENT BENEFITS UNDER**  
6 **THE RAILROAD UNEMPLOYMENT INSURANCE**  
7 **ACT.**

8 (a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Rail-  
9 road Unemployment Insurance Act (45 U.S.C.  
10 352(c)(2)(D)(iii) is amended—

11 (1) by striking “July 1, 2008” and inserting  
12 “July 1, 2019”;

13 (2) by striking “June 30, 2013” and  
14 inserting “June 30, 2020”; and

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

17 (b) CLARIFICATION ON AUTHORITY TO USE  
18 FUNDS.—Funds appropriated under either the first or  
19 second sentence of clause (iv) of section 2(c)(2)(D) of the  
20 Railroad Unemployment Insurance Act shall be available  
21 to cover the cost of additional extended unemployment  
22 benefits provided under such section 2(c)(2)(D) by reason  
23 of the amendments made by subsection (a) as well as to  
24 cover the cost of such benefits provided under such section

1 2(c)(2)(D) as in effect on the day before the date of enact-  
2 ment of this Act.

3           **Subtitle B—Rebates and Other**  
4                           **Individual Provisions**

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

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

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

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

15                   “(1) \$1,200 (\$2,400 in the case of eligible indi-  
16 viduals filing a joint return), plus

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

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

24           “(c) LIMITATION BASED ON ADJUSTED GROSS IN-  
25 COME.—The amount of the credit allowed by subsection

1 (a) (determined without regard to this subsection and sub-  
2 section (e)) shall be reduced (but not below zero) by 5  
3 percent of so much of the taxpayer's adjusted gross in-  
4 come as exceeds—

5 “(1) \$150,000 in the case of a joint return,

6 “(2) \$112,500 in the case of a head of house-  
7 hold, and

8 “(3) \$75,000 in the case of a taxpayer not de-  
9 scribed in paragraph (1) or (2).

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

13 “(1) any nonresident alien individual,

14 “(2) any individual with respect to whom a de-  
15 duction under section 151 is allowable to another  
16 taxpayer for a taxable year beginning in the cal-  
17 endar year in which the individual's taxable year be-  
18 gins, and

19 “(3) an estate or trust.

20 “(e) COORDINATION WITH ADVANCE REFUNDS OF  
21 CREDIT.—

22 “(1) IN GENERAL.—The amount of credit  
23 which would (but for this paragraph) be allowable  
24 under this section shall be reduced (but not below  
25 zero) by the aggregate refunds and credits made or



1 allowed to the taxpayer under subsection (f). Any  
2 failure to so reduce the credit shall be treated as  
3 arising out of a mathematical or clerical error and  
4 assessed according to section 6213(b)(1).

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

10 “(f) ADVANCE REFUNDS AND CREDITS.—

11 “(1) IN GENERAL.—Subject to paragraph (5),  
12 each individual who was an eligible individual for  
13 such individual’s first taxable year beginning in  
14 2019 shall be treated as having made a payment  
15 against the tax imposed by chapter 1 for such tax-  
16 able year in an amount equal to the advance refund  
17 amount for such taxable year.

18 “(2) ADVANCE REFUND AMOUNT.—For pur-  
19 poses of paragraph (1), the advance refund amount  
20 is the amount that would have been allowed as a  
21 credit under this section for such taxable year if this  
22 section (other than subsection (e) and this sub-  
23 section) had applied to such taxable year.

24 “(3) TIMING OF PAYMENTS.—The Secretary  
25 shall, subject to the provisions of this title, refund

1 or credit any overpayment attributable to this sec-  
2 tion as rapidly as possible. No refund or credit shall  
3 be made or allowed under this subsection after De-  
4 cember 31, 2020.

5 “(4) NO INTEREST.—No interest shall be al-  
6 lowed on any overpayment attributable to this sec-  
7 tion.

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

13 “(A) apply such paragraph by substituting  
14 ‘2018’ for ‘2019’, and

15 “(B) if the individual has not filed a tax  
16 return for such individual’s first taxable year  
17 beginning in 2018, use information with respect  
18 to such individual for calendar year 2019 pro-  
19 vided in—

20 “(i) Form SSA-1099, Social Security  
21 Benefit Statement, or

22 “(ii) Form RRB-1099, Social Security  
23 Equivalent Benefit Statement.

24 “(6) NOTICE TO TAXPAYER.—Not later than 15  
25 days after the date on which the Secretary distrib-

1       uted any payment to an eligible taxpayer pursuant  
2       to this subsection, notice shall be sent by mail to  
3       such taxpayer's last known address. Such notice  
4       shall indicate the method by which such payment  
5       was made, the amount of such payment, and a  
6       phone number for the appropriate point of contact  
7       at the Internal Revenue Service to report any failure  
8       to receive such payment.

9       “(g) IDENTIFICATION NUMBER REQUIREMENT.—

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

14           “(A) such individual's valid identification  
15       number,

16           “(B) in the case of a joint return, the valid  
17       identification number of such individual's  
18       spouse, and

19           “(C) in the case of any qualifying child  
20       taken into account under subsection (a)(2), the  
21       valid identification number of such qualifying  
22       child.

23       “(2) VALID IDENTIFICATION NUMBER.—

24           “(A) IN GENERAL.—For purposes of para-  
25       graph (1), the term ‘valid identification num-

1           ber’ means a social security number (as such  
2           term is defined in section 24(h)(7)).

3           “(B) ADOPTION TAXPAYER IDENTIFICA-  
4           TION NUMBER.—For purposes of paragraph  
5           (1)(C), in the case of a qualifying child who is  
6           adopted or placed for adoption, the term ‘valid  
7           identification number’ shall include the adop-  
8           tion taxpayer identification number of such  
9           child.

10          “(3) SPECIAL RULE FOR MEMBERS OF THE  
11          ARMED FORCES.—Paragraph (1)(B) shall not apply  
12          in the case where at least 1 spouse was a member  
13          of the Armed Forces of the United States at any  
14          time during the taxable year and at least 1 spouse  
15          satisfies paragraph (1)(A).

16          “(4) MATHEMATICAL OR CLERICAL ERROR AU-  
17          THORITY.—Any omission of a correct valid identi-  
18          fication number required under this subsection shall  
19          be treated as a mathematical or clerical error for  
20          purposes of applying section 6213(g)(2) to such  
21          omission.

22          “(h) REGULATIONS.—The Secretary shall prescribe  
23          such regulations or other guidance as may be necessary  
24          to carry out the purposes of this section, including any

1 such measures as are deemed appropriate to avoid allow-  
2 ing multiple credits or rebates to a taxpayer.”.

3 (b) ADMINISTRATIVE AMENDMENTS.—

4 (1) DEFINITION OF DEFICIENCY.—Section  
5 6211(b)(4)(A) of the Internal Revenue Code of 1986  
6 is amended by striking “and 36B, 168(k)(4)” and  
7 inserting “36B, and 6428”.

8 (2) MATHEMATICAL OR CLERICAL ERROR AU-  
9 THORITY.—Section 6213(g)(2)(L) of such Code is  
10 amended by striking “or 32” and inserting “32, or  
11 6428”.

12 (c) TREATMENT OF POSSESSIONS.—

13 (1) PAYMENTS TO POSSESSIONS.—

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

23 (B) OTHER POSSESSIONS.—The Secretary  
24 of the Treasury shall pay to each possession of  
25 the United States which does not have a mirror

1 code tax system amounts estimated by the Sec-  
2 retary of the Treasury as being equal to the ag-  
3 gregate benefits (if any) that would have been  
4 provided to residents of such possession by rea-  
5 son of the amendments made by this section if  
6 a mirror code tax system had been in effect in  
7 such possession. The preceding sentence shall  
8 not apply unless the respective possession has a  
9 plan, which has been approved by the Secretary  
10 of the Treasury, under which such possession  
11 will promptly distribute such payments to its  
12 residents.

13 (2) COORDINATION WITH CREDIT ALLOWED  
14 AGAINST UNITED STATES INCOME TAXES.—No cred-  
15 it shall be allowed against United States income  
16 taxes under section 6428 of the Internal Revenue  
17 Code of 1986 (as added by this section) to any per-  
18 son—

19 (A) to whom a credit is allowed against  
20 taxes imposed by the possession by reason of  
21 the amendments made by this section, or

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

24 (3) DEFINITIONS AND SPECIAL RULES.—

1 (A) POSSESSION OF THE UNITED  
2 STATES.—For purposes of this subsection, the  
3 term “possession of the United States” includes  
4 the Commonwealth of Puerto Rico and the  
5 Commonwealth of the Northern Mariana Is-  
6 lands.

7 (B) MIRROR CODE TAX SYSTEM.—For pur-  
8 poses of this subsection, the term “mirror code  
9 tax system” means, with respect to any posses-  
10 sion of the United States, the income tax sys-  
11 tem of such possession if the income tax liabil-  
12 ity of the residents of such possession under  
13 such system is determined by reference to the  
14 income tax laws of the United States as if such  
15 possession were the United States.

16 (C) TREATMENT OF PAYMENTS.—For pur-  
17 poses of section 1324 of title 31, United States  
18 Code, the payments under this subsection shall  
19 be treated in the same manner as a refund due  
20 from a credit provision referred to in subsection  
21 (b)(2) of such section.

22 (d) EXCEPTION FROM REDUCTION OR OFFSET.—  
23 Any credit or refund allowed or made to any individual  
24 by reason of section 6428 of the Internal Revenue Code

1 of 1986 (as added by this section) or by reason of sub-  
2 section (c) of this section shall not be—

3 (1) subject to reduction or offset pursuant to  
4 section 3716 or 3720A of title 31, United States  
5 Code,

6 (2) subject to reduction or offset pursuant to  
7 subsection (d), (e), or (f) of section 6402 of the In-  
8 ternal Revenue Code of 1986, or

9 (3) reduced or offset by other assessed Federal  
10 taxes that would otherwise be subject to levy or col-  
11 lection.

12 (e) PUBLIC AWARENESS CAMPAIGN.—The Secretary  
13 of the Treasury (or the Secretary's delegate) shall conduct  
14 a public awareness campaign, in coordination with the  
15 Commissioner of Social Security and the heads of other  
16 relevant Federal agencies, to provide information regard-  
17 ing the availability of the credit and rebate allowed under  
18 section 6428 of the Internal Revenue Code of 1986 (as  
19 added by this section), including information with respect  
20 to individuals who may not have filed a tax return for tax-  
21 able year 2018 or 2019.

22 (f) APPROPRIATIONS TO CARRY OUT REBATES.—

23 (1) IN GENERAL.—Immediately upon the enact-  
24 ment of this Act, the following sums are appro-  
25 priated, out of any money in the Treasury not other-



1 wise appropriated, for the fiscal year ending Sep-  
2 tember 30, 2020:

3 (A) DEPARTMENT OF THE TREASURY.—

4 (i) For an additional amount for “De-  
5 partment of the Treasury—Bureau of the  
6 Fiscal Service—Salaries and Expenses”,  
7 \$78,650,000, to remain available until  
8 September 30, 2021.

9 (ii) For an additional amount for  
10 “Department of the Treasury—Internal  
11 Revenue Service—Taxpayer Services”,  
12 \$293,500,000, to remain available until  
13 September 30, 2021.

14 (iii) For an additional amount for  
15 “Department of the Treasury—Internal  
16 Revenue Service—Operations Support”,  
17 \$170,000,000, to remain available until  
18 September 30, 2021.

19 (iv) For an additional amount for  
20 “Department of Treasury—Internal Rev-  
21 enue Service—Enforcement”, \$37,200,000,  
22 to remain available until September 30,  
23 2021.

24 Amounts made available in appropriations  
25 under clauses (ii), (iii), and (iv) of this subpara-

1 graph may be transferred between such appro-  
2 priations upon the advance notification of the  
3 Committees on Appropriations of the House of  
4 Representatives and the Senate. Such transfer  
5 authority is in addition to any other transfer  
6 authority provided by law.

7 (B) SOCIAL SECURITY ADMINISTRATION.—  
8 For an additional amount for “Social Security  
9 Administration—Limitation on Administrative  
10 Expenses”, \$38,000,000, to remain available  
11 until September 30, 2021.

12 (2) REPORTS.—No later than 15 days after en-  
13 actment of this Act, the Secretary of the Treasury  
14 shall submit a plan to the Committees on Appropria-  
15 tions of the House of Representatives and the Sen-  
16 ate detailing the expected use of the funds provided  
17 by paragraph (1)(A). Beginning 90 days after enact-  
18 ment of this Act, the Secretary of the Treasury shall  
19 submit a quarterly report to the Committees on Ap-  
20 propriations of the House of Representatives and the  
21 Senate detailing the actual expenditure of funds pro-  
22 vided by paragraph (1)(A) and the expected expendi-  
23 ture of such funds in the subsequent quarter.

24 (g) CONFORMING AMENDMENTS.—

1 (1) Paragraph (2) of section 1324(b) of title  
2 31, United States Code, is amended by inserting  
3 “6428,” after “54B(h),”.

4 (2) The table of sections for subchapter B of  
5 chapter 65 of subtitle F of the Internal Revenue  
6 Code of 1986 is amended by inserting after the item  
7 relating to section 6427 the following:

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

8 **SEC. 2202. SPECIAL RULES FOR USE OF RETIREMENT**  
9 **FUNDS.**

10 (a) **TAX-FAVORED WITHDRAWALS FROM RETIRE-**  
11 **MENT PLANS.—**

12 (1) **IN GENERAL.—**Section 72(t) of the Internal  
13 Revenue Code of 1986 shall not apply to any  
14 coronavirus-related distribution.

15 (2) **AGGREGATE DOLLAR LIMITATION.—**

16 (A) **IN GENERAL.—**For purposes of this  
17 subsection, the aggregate amount of distribu-  
18 tions received by an individual which may be  
19 treated as coronavirus-related distributions for  
20 any taxable year shall not exceed \$100,000.

21 (B) **TREATMENT OF PLAN DISTRIBUTIONS.—**If a distribution to an individual would  
22 (without regard to subparagraph (A)) be a  
23 coronavirus-related distribution, a plan shall not  
24 be treated as violating any requirement of the  
25

1 Internal Revenue Code of 1986 merely because  
2 the plan treats such distribution as a  
3 coronavirus-related distribution, unless the ag-  
4 gregate amount of such distributions from all  
5 plans maintained by the employer (and any  
6 member of any controlled group which includes  
7 the employer) to such individual exceeds  
8 \$100,000.

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

15 (3) AMOUNT DISTRIBUTED MAY BE REPAID.—

16 (A) IN GENERAL.—Any individual who re-  
17 ceives a coronavirus-related distribution may, at  
18 any time during the 3-year period beginning on  
19 the day after the date on which such distribu-  
20 tion was received, make 1 or more contributions  
21 in an aggregate amount not to exceed the  
22 amount of such distribution to an eligible retire-  
23 ment plan of which such individual is a bene-  
24 ficiary and to which a rollover contribution of  
25 such distribution could be made under section

1 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or  
2 457(e)(16), of the Internal Revenue Code of  
3 1986, as the case may be.

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

20 (C) TREATMENT OF REPAYMENTS OF DIS-  
21 TRIBUTIONS FROM IRAS.—For purposes of the  
22 Internal Revenue Code of 1986, if a contribu-  
23 tion is made pursuant to subparagraph (A)  
24 with respect to a coronavirus-related distribu-  
25 tion from an individual retirement plan (as de-

1            fined by section 7701(a)(37) of such Code),  
2            then, to the extent of the amount of the con-  
3            tribution, the coronavirus-related distribution  
4            shall be treated as a distribution described in  
5            section 408(d)(3) of such Code and as having  
6            been transferred to the eligible retirement plan  
7            in a direct trustee to trustee transfer within 60  
8            days of the distribution.

9            (4) DEFINITIONS.—For purposes of this sub-  
10          section—

11            (A) CORONAVIRUS-RELATED DISTRIBUTION.—Except as provided in paragraph (2),  
12            the term “coronavirus-related distribution”  
13            means any distribution from an eligible retire-  
14            ment plan made—

15            (i) on or after January 1, 2020, and  
16            before December 31, 2020,

17            (ii) to an individual—

18            (I) who is diagnosed with the  
19            virus SARS-CoV-2 or with  
20            coronavirus disease 2019 (COVID-19)  
21            by a test approved by the Centers for  
22            Disease Control and Prevention,

23            (II) whose spouse or dependent  
24            (as defined in section 152 of the In-  
25

1           ternal Revenue Code of 1986) is diag-  
2           nosed with such virus or disease by  
3           such a test, or

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

17                   (B) EMPLOYEE CERTIFICATION.—The ad-  
18          ministrator of an eligible retirement plan may  
19          rely on an employee's certification that the em-  
20          ployee satisfies the conditions of subparagraph  
21          (A)(ii) in determining whether any distribution  
22          is a coronavirus-related distribution.

23                   (C) ELIGIBLE RETIREMENT PLAN.—The  
24          term “eligible retirement plan” has the meaning

1 given such term by section 402(c)(8)(B) of the  
2 Internal Revenue Code of 1986.

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

5 (A) IN GENERAL.—In the case of any  
6 coronavirus-related distribution, unless the tax-  
7 payer elects not to have this paragraph apply  
8 for any taxable year, any amount required to be  
9 included in gross income for such taxable year  
10 shall be so included ratably over the 3-taxable-  
11 year period beginning with such taxable year.

12 (B) SPECIAL RULE.—For purposes of sub-  
13 paragraph (A), rules similar to the rules of sub-  
14 paragraph (E) of section 408A(d)(3) of the In-  
15 ternal Revenue Code of 1986 shall apply.

16 (6) SPECIAL RULES.—

17 (A) EXEMPTION OF DISTRIBUTIONS FROM  
18 TRUSTEE TO TRUSTEE TRANSFER AND WITH-  
19 HOLDING RULES.—For purposes of sections  
20 401(a)(31), 402(f), and 3405 of the Internal  
21 Revenue Code of 1986, coronavirus-related dis-  
22 tributions shall not be treated as eligible roll-  
23 over distributions.

24 (B) CORONAVIRUS-RELATED DISTRIBUTIONS  
25 TREATED AS MEETING PLAN DISTRIBUTIONS



1           TION REQUIREMENTS.—For purposes of the In-  
2           ternal Revenue Code of 1986, a coronavirus-re-  
3           lated distribution shall be treated as meeting  
4           the requirements of sections 401(k)(2)(B)(i),  
5           403(b)(7)(A)(i), 403(b)(11), and 457(d)(1)(A)  
6           of such Code.

7           (b) LOANS FROM QUALIFIED PLANS.—

8           (1) INCREASE IN LIMIT ON LOANS NOT TREAT-  
9           ED AS DISTRIBUTIONS.—In the case of any loan  
10          from a qualified employer plan (as defined under  
11          section 72(p)(4) of the Internal Revenue Code of  
12          1986) to a qualified individual made during the 180-  
13          day period beginning on the date of the enactment  
14          of this Act—

15               (A) clause (i) of section 72(p)(2)(A) of  
16               such Code shall be applied by substituting  
17               “\$100,000” for “\$50,000”, and

18               (B) clause (ii) of such section shall be ap-  
19               plied by substituting “the present value of the  
20               nonforfeitable accrued benefit of the employee  
21               under the plan” for “one-half of the present  
22               value of the nonforfeitable accrued benefit of  
23               the employee under the plan”.

24           (2) DELAY OF REPAYMENT.—In the case of a  
25          qualified individual with an outstanding loan (on or

1 after the date of the enactment of this Act) from a  
2 qualified employer plan (as defined in section  
3 72(p)(4) of the Internal Revenue Code of 1986)—

4 (A) if the due date pursuant to subpara-  
5 graph (B) or (C) of section 72(p)(2) of such  
6 Code for any repayment with respect to such  
7 loan occurs during the period beginning on the  
8 date of the enactment of this Act and ending on  
9 December 31, 2020, such due date shall be de-  
10 layed for 1 year,

11 (B) any subsequent repayments with re-  
12 spect to any such loan shall be appropriately  
13 adjusted to reflect the delay in the due date  
14 under subparagraph (A) and any interest accru-  
15 ing during such delay, and

16 (C) in determining the 5-year period and  
17 the term of a loan under subparagraph (B) or  
18 (C) of section 72(p)(2) of such Code, the period  
19 described in subparagraph (A) of this para-  
20 graph shall be disregarded.

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

1           (c) PROVISIONS RELATING TO PLAN AMEND-  
2 MENTS.—

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

8           (2) AMENDMENTS TO WHICH SUBSECTION AP-  
9 PLIES.—

10           (A) IN GENERAL.—This subsection shall  
11 apply to any amendment to any plan or annuity  
12 contract which is made—

13           (i) pursuant to any provision of this  
14 section, or pursuant to any regulation  
15 issued by the Secretary of the Treasury or  
16 the Secretary of Labor (or the delegate of  
17 either such Secretary) under any provision  
18 of this section, and

19           (ii) on or before the last day of the  
20 first plan year beginning on or after Janu-  
21 ary 1, 2022, or such later date as the Sec-  
22 retary of the Treasury (or the Secretary's  
23 delegate) may prescribe.

24           In the case of a governmental plan (as defined  
25 in section 414(d) of the Internal Revenue Code

1 of 1986), clause (ii) shall be applied by sub-  
2 stituting the date which is 2 years after the  
3 date otherwise applied under clause (ii).

4 (B) CONDITIONS.—This subsection shall  
5 not apply to any amendment unless—

6 (i) during the period—

7 (I) beginning on the date that  
8 this section or the regulation de-  
9 scribed in subparagraph (A)(i) takes  
10 effect (or in the case of a plan or con-  
11 tract amendment not required by this  
12 section or such regulation, the effec-  
13 tive date specified by the plan), and

14 (II) ending on the date described  
15 in subparagraph (A)(ii) (or, if earlier,  
16 the date the plan or contract amend-  
17 ment is adopted),

18 the plan or contract is operated as if such  
19 plan or contract amendment were in effect,  
20 and

21 (ii) such plan or contract amendment  
22 applies retroactively for such period.

1 **SEC. 2203. TEMPORARY WAIVER OF REQUIRED MINIMUM**  
2 **DISTRIBUTION RULES FOR CERTAIN RETIRE-**  
3 **MENT PLANS AND ACCOUNTS.**

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

7 “(I) **TEMPORARY WAIVER OF MINIMUM RE-**  
8 **QUIRED DISTRIBUTION.**—

9 “(i) **IN GENERAL.**—The requirements  
10 of this paragraph shall not apply for cal-  
11 endar year 2020 to—

12 “(I) a defined contribution plan  
13 which is described in this subsection  
14 or in section 403(a) or 403(b),

15 “(II) a defined contribution plan  
16 which is an eligible deferred com-  
17 pensation plan described in section  
18 457(b) but only if such plan is main-  
19 tained by an employer described in  
20 section 457(e)(1)(A), or

21 “(III) an individual retirement  
22 plan.

23 “(ii) **SPECIAL RULE FOR REQUIRED**  
24 **BEGINNING DATES IN 2020.**—Clause (i)  
25 shall apply to any distribution which is re-

1                   required to be made in calendar year 2020  
2                   by reason of—

3                   “**(I)** a required beginning date  
4                   occurring in such calendar year, and

5                   “**(II)** such distribution not having  
6                   been made before January 1, 2020.

7                   “**(iii)** **SPECIAL RULES REGARDING**  
8                   **WAIVER PERIOD.**—For purposes of this  
9                   paragraph—

10                   “**(I)** the required beginning date  
11                   with respect to any individual shall be  
12                   determined without regard to this  
13                   subparagraph for purposes of applying  
14                   this paragraph for calendar years  
15                   after 2020, and

16                   “**(II)** if clause (ii) of subpara-  
17                   graph (B) applies, the 5-year period  
18                   described in such clause shall be de-  
19                   termined without regard to calendar  
20                   year 2020.”.

21                   **(b) ELIGIBLE ROLLOVER DISTRIBUTIONS.**—Section  
22                   402(c)(4) of the Internal Revenue Code of 1986 is amend-  
23                   ed by striking “2009” each place it appears in the last  
24                   sentence and inserting “2020”.

25                   **(c) EFFECTIVE DATES.**—

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

4           (2) PROVISIONS RELATING TO PLAN OR CON-  
5 TRACT AMENDMENTS.—

6           (A) IN GENERAL.—If this paragraph ap-  
7 plies to any pension plan or contract amend-  
8 ment, such pension plan or contract shall not  
9 fail to be treated as being operated in accord-  
10 ance with the terms of the plan during the pe-  
11 riod described in subparagraph (B)(ii) solely be-  
12 cause the plan operates in accordance with this  
13 section.

14           (B) AMENDMENTS TO WHICH PARAGRAPH  
15 APPLIES.—

16           (i) IN GENERAL.—This paragraph  
17 shall apply to any amendment to any pen-  
18 sion plan or annuity contract which—

19                   (I) is made pursuant to the  
20 amendments made by this section,  
21 and

22                   (II) is made on or before the last  
23 day of the first plan year beginning  
24 on or after January 1, 2022.

1           In the case of a governmental plan, sub-  
2           clause (II) shall be applied by substituting  
3           “2024” for “2022”.

4                   (ii) CONDITIONS.—This paragraph  
5           shall not apply to any amendment unless  
6           during the period beginning on the effec-  
7           tive date of the amendment and ending on  
8           December 31, 2020, the plan or contract is  
9           operated as if such plan or contract  
10          amendment were in effect.

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

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

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

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



1       “(f) DEFINITIONS RELATING TO QUALIFIED CHARITABLE CONTRIBUTIONS.—For purposes of subsection  
2 TABLE CONTRIBUTIONS.—For purposes of subsection  
3 (a)(22)—

4           “(1) ELIGIBLE INDIVIDUAL.—The term ‘eligible  
5 individual’ means any individual who does not elect  
6 to itemize deductions.

7           “(2) QUALIFIED CHARITABLE CONTRIBUTIONS.—The term ‘qualified charitable contribution’  
8 TIONS.—The term ‘qualified charitable contribution’  
9 means a charitable contribution (as defined in section  
10 tion 170(c))—

11           “(A) which is made in cash,

12           “(B) for which a deduction is allowable  
13 under section 170 (determined without regard  
14 to subsection (b) thereof), and

15           “(C) which is—

16           “(i) made to an organization described in section 170(b)(1)(A), and  
17 scribed in section 170(b)(1)(A), and

18           “(ii) not—

19           “(I) to an organization described  
20 in section 509(a)(3), or

21           “(II) for the establishment of a  
22 new, or maintenance of an existing,  
23 donor advised fund (as defined in section  
24 tion 4966(d)(2)).

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

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

9   **SEC. 2205. MODIFICATION OF LIMITATIONS ON CHARI-**  
10                           **TABLE CONTRIBUTIONS DURING 2020.**

11           (a) TEMPORARY SUSPENSION OF LIMITATIONS ON  
12 CERTAIN CASH CONTRIBUTIONS.—

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

17           (2) TREATMENT OF EXCESS CONTRIBUTIONS.—  
18           For purposes of section 170 of the Internal Revenue  
19           Code of 1986—

20           (A) INDIVIDUALS.—In the case of an indi-  
21           vidual—

22           (i) LIMITATION.—Any qualified con-  
23           tribution shall be allowed as a deduction  
24           only to the extent that the aggregate of  
25           such contributions does not exceed the ex-

1           cess of the taxpayer's contribution base (as  
2           defined in subparagraph (H) of section  
3           170(b)(1) of such Code) over the amount  
4           of all other charitable contributions allowed  
5           under section 170(b)(1) of such Code.

6           (ii) CARRYOVER.—If the aggregate  
7           amount of qualified contributions made in  
8           the contribution year (within the meaning  
9           of section 170(d)(1) of such Code) exceeds  
10          the limitation of clause (i), such excess  
11          shall be added to the excess described in  
12          section 170(b)(1)(G)(ii).

13          (B) CORPORATIONS.—In the case of a cor-  
14          poration—

15           (i) LIMITATION.—Any qualified con-  
16           tribution shall be allowed as a deduction  
17           only to the extent that the aggregate of  
18           such contributions does not exceed the ex-  
19           cess of 25 percent of the taxpayer's taxable  
20           income (as determined under paragraph  
21           (2) of section 170(b) of such Code) over  
22           the amount of all other charitable con-  
23           tributions allowed under such paragraph.

24           (ii) CARRYOVER.—If the aggregate  
25           amount of qualified contributions made in

1 the contribution year (within the meaning  
2 of section 170(d)(2) of such Code) exceeds  
3 the limitation of clause (i), such excess  
4 shall be appropriately taken into account  
5 under section 170(d)(2) subject to the limi-  
6 tations thereof.

7 (3) QUALIFIED CONTRIBUTIONS.—

8 (A) IN GENERAL.—For purposes of this  
9 subsection, the term “qualified contribution”  
10 means any charitable contribution (as defined  
11 in section 170(c) of the Internal Revenue Code  
12 of 1986) if—

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

17 (ii) the taxpayer has elected the appli-  
18 cation of this section with respect to such  
19 contribution.

20 (B) EXCEPTION.—Such term shall not in-  
21 clude a contribution by a donor if the contribu-  
22 tion is—

23 (i) to an organization described in sec-  
24 tion 509(a)(3) of the Internal Revenue  
25 Code of 1986, or

1 (ii) for the establishment of a new, or  
2 maintenance of an existing, donor advised  
3 fund (as defined in section 4966(d)(2) of  
4 such Code).

5 (C) APPLICATION OF ELECTION TO PART-  
6 NERSHIPS AND S CORPORATIONS.—In the case  
7 of a partnership or S corporation, the election  
8 under subparagraph (A)(ii) shall be made sepa-  
9 rately by each partner or shareholder.

10 (b) INCREASE IN LIMITS ON CONTRIBUTIONS OF  
11 FOOD INVENTORY.—In the case of any charitable con-  
12 tribution of food during 2020 to which section  
13 170(e)(3)(C) of the Internal Revenue Code of 1986 ap-  
14 plies, subclauses (I) and (II) of clause (ii) thereof shall  
15 each be applied by substituting “25 percent” for “15 per-  
16 cent.”

17 (c) EFFECTIVE DATE.—This section shall apply to  
18 taxable years ending after December 31, 2019.

## 19 **Subtitle C—Business Provisions**

### 20 **SEC. 2301. DELAY OF PAYMENT OF EMPLOYER PAYROLL** 21 **TAXES.**

22 (a) IN GENERAL.—

23 (1) TAXES.—Notwithstanding any other provi-  
24 sion of law, the payment for applicable employment

1 taxes for the payroll tax deferral period shall not be  
2 due before the applicable date.

3 (2) DEPOSITS.—Notwithstanding section 6302  
4 of the Internal Revenue Code of 1986, an employer  
5 shall be treated as having timely made all deposits  
6 of applicable employment taxes that are required to  
7 be made (without regard to this section) for such  
8 taxes during the payroll tax deferral period if all  
9 such deposits are made not later than the applicable  
10 date.

11 (3) EXCEPTION.—This subsection shall not  
12 apply to any taxpayer if such taxpayer has had in-  
13 debtedness forgiven under section 1105 of this Act  
14 with respect to a loan under paragraph (36) of sec-  
15 tion 7(a) of the Small Business Act (15 U.S.C.  
16 636(a)), as added by section 1102 of this Act, or in-  
17 debtedness forgiven under section 1109 of this Act.

18 (b) SECA.—

19 (1) IN GENERAL.—Notwithstanding any other  
20 provision of law, the payment for 50 percent of the  
21 taxes imposed under section 1401(a) of the Internal  
22 Revenue Code of 1986 for the payroll tax deferral  
23 period shall not be due before the applicable date.

24 (2) ESTIMATED TAXES.—For purposes of ap-  
25 plying section 6654 of the Internal Revenue Code of

1 1986 to any taxable year which includes any part of  
2 the payroll tax deferral period, 50 percent of the  
3 taxes imposed under section 1401(a) of such Code  
4 for the payroll tax deferral period shall not be treat-  
5 ed as taxes to which such section 6654 applies.

6 (c) LIABILITY OF THIRD PARTIES.—

7 (1) ACTS TO BE PERFORMED BY AGENTS.—For  
8 purposes of section 3504 of the Internal Revenue  
9 Code of 1986, in the case of any person designated  
10 pursuant to such section (and any regulations or  
11 other guidance issued by the Secretary with respect  
12 to such section) to perform acts otherwise required  
13 to be performed by an employer under such Code, if  
14 such employer directs such person to defer payment  
15 of any applicable employment taxes during the pay-  
16 roll tax deferral period under this section, such em-  
17 ployer shall be solely liable for the payment of such  
18 applicable employment taxes before the applicable  
19 date for any wages paid by such person on behalf of  
20 such employer during such period.

21 (2) CERTIFIED PROFESSIONAL EMPLOYER OR-  
22 GANIZATIONS.—For purposes of section 3511, in the  
23 case of a certified professional employer organization  
24 (as defined in subsection (a) of section 7705 of the  
25 Internal Revenue Code of 1986) that has entered

1 into a service contract described in subsection (e)(2)  
2 of such section with a customer, if such customer di-  
3 rects such organization to defer payment of any ap-  
4 plicable employment taxes during the payroll tax de-  
5 ferral period under this section, such customer shall,  
6 notwithstanding subsections (a) and (c) of section  
7 3511, be solely liable for the payment of such appli-  
8 cable employment taxes before the applicable date  
9 for any wages paid by such organization to any work  
10 site employee performing services for such customer  
11 during such period.

12 (d) DEFINITIONS.—For purposes of this section—

13 (1) APPLICABLE EMPLOYMENT TAXES.—The  
14 term “applicable employment taxes” means the fol-  
15 lowing:

16 (A) The taxes imposed under section  
17 3111(a) of the Internal Revenue Code of 1986.

18 (B) So much of the taxes imposed under  
19 section 3211(a) of such Code as are attrib-  
20 utable to the rate in effect under section  
21 3111(a) of such Code.

22 (C) So much of the taxes imposed under  
23 section 3221(a) of such Code as are attrib-  
24 utable to the rate in effect under section  
25 3111(a) of such Code.



1           (2) PAYROLL TAX DEFERRAL PERIOD.—The  
2 term “payroll tax deferral period” means the period  
3 beginning on the date of the enactment of this Act  
4 and ending before January 1, 2021.

5           (3) APPLICABLE DATE.—The term “applicable  
6 date” means—

7                 (A) December 31, 2021, with respect to 50  
8 percent of the amounts to which subsection (a)  
9 or (b), as the case may be, apply, and

10                (B) December 31, 2022, with respect to  
11 the remaining such amounts.

12           (4) SECRETARY.—The term “Secretary” means  
13 the Secretary of the Treasury (or the Secretary’s  
14 delegate).

15           (e) TRUST FUNDS HELD HARMLESS.—There are  
16 hereby appropriated (out of any money in the Treasury  
17 not otherwise appropriated) for each fiscal year to the  
18 Federal Old-Age and Survivors Insurance Trust Fund and  
19 the Federal Disability Insurance Trust Fund established  
20 under section 201 of the Social Security Act (42 U.S.C.  
21 401) and the Social Security Equivalent Benefit Account  
22 established under section 15A(a) of the Railroad Retirement  
23 Act of 1974 (45 U.S.C. 231n–1(a)) an amount equal  
24 to the reduction in the transfers to such fund for such  
25 fiscal year by reason of this section. Amounts appropriated

1 by the preceding sentence shall be transferred from the  
2 general fund at such times and in such manner as to rep-  
3 licate to the extent possible the transfers which would have  
4 occurred to such Trust Fund had such amendments not  
5 been enacted.

6 (f) REGULATORY AUTHORITY.—The Secretary shall  
7 issue such regulations or other guidance as necessary to  
8 carry out the purposes of this section, including rules for  
9 the administration and enforcement of subsection (c).

10 **SEC. 2302. MODIFICATIONS FOR NET OPERATING LOSSES.**

11 (a) TEMPORARY REPEAL OF TAXABLE INCOME LIMI-  
12 TATION.—

13 (1) IN GENERAL.—The first sentence of section  
14 172(a) of the Internal Revenue Code of 1986 is  
15 amended by striking “an amount equal to” and all  
16 that follows and inserting “an amount equal to—

17 “(1) in the case of a taxable year beginning be-  
18 fore January 1, 2021, the aggregate of the net oper-  
19 ating loss carryovers to such year, plus the net oper-  
20 ating loss carrybacks to such year, and

21 “(2) in the case of a taxable year beginning  
22 after December 31, 2020, the sum of—

23 “(A) the aggregate amount of net oper-  
24 ating losses arising in taxable years beginning

1 before January 1, 2018, carried to such taxable  
2 year, plus

3 “(B) the lesser of—

4 “(i) the aggregate amount of net op-  
5 erating losses arising in taxable years be-  
6 ginning after December 31, 2017, carried  
7 to such taxable year, or

8 “(ii) 80 percent of the excess (if any)  
9 of—

10 “(I) taxable income computed  
11 without regard to the deductions  
12 under this section and sections 199A  
13 and 250, over

14 “(II) the amount determined  
15 under subparagraph (A).”.

16 (2) CONFORMING AMENDMENTS.—

17 (A) Section 172(b)(2)(C) of such Code is  
18 amended to read as follows:

19 “(C) for taxable years beginning after De-  
20 cember 31, 2020, be reduced by 20 percent of  
21 the excess (if any) described in subsection  
22 (a)(2)(B)(ii) for such taxable year.”.

23 (B) Section 172(d)(6)(C) of such Code is  
24 amended by striking “subsection (a)(2)” and  
25 inserting “subsection (a)(2)(B)(ii)(I)”.



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1           “(I) IN GENERAL.—A net oper-  
2           ating loss for a REIT year shall not  
3           be a net operating loss carryback to  
4           any taxable year preceding the taxable  
5           year of such loss.

6           “(II) SPECIAL RULE.—In the  
7           case of any net operating loss for a  
8           taxable year which is not a REIT  
9           year, such loss shall not be carried to  
10          any preceding taxable year which is a  
11          REIT year.

12          “(III) REIT YEAR.—For pur-  
13          poses of this subparagraph, the term  
14          ‘REIT year’ means any taxable year  
15          for which the provisions of part II of  
16          subchapter M (relating to real estate  
17          investment trusts) apply to the tax-  
18          payer.

19          “(iii) SPECIAL RULE FOR LIFE INSUR-  
20          ANCE COMPANIES.— In the case of a life  
21          insurance company, if a net operating loss  
22          is carried pursuant to clause (i)(I) to a life  
23          insurance company taxable year beginning  
24          before January 1, 2018, such net oper-  
25          ating loss carryback shall be treated in the

1 same manner as an operations loss  
2 carryback (within the meaning of section  
3 810 as in effect before its repeal) of such  
4 company to such taxable year.

5 “(iv) RULE RELATING TO  
6 CARRYBACKS TO YEARS TO WHICH SEC-  
7 TION 965 APPLIES.—If a net operating loss  
8 of a taxpayer is carried pursuant to clause  
9 (i)(I) to any taxable year to which section  
10 965(a) applies to the taxpayer, the tax-  
11 payer shall be treated as having made the  
12 election under section 965(n) with respect  
13 to each such taxable year.

14 “(v) SPECIAL RULES FOR ELECTIONS  
15 UNDER PARAGRAPH (3).—

16 “(I) SPECIAL ELECTION TO EX-  
17 CLUDE 965 YEARS.— If the 5-year  
18 carryback period under clause (i)(I)  
19 with respect to any net operating loss  
20 of a taxpayer includes 1 or more tax-  
21 able years to which section 965(a) ap-  
22 plies to the taxpayer, the taxpayer  
23 may, in lieu of the election otherwise  
24 available under paragraph (3), elect  
25 under such paragraph to exclude all

1 taxable years to which section 965(a)  
2 applies from such carryback period.

3 “(II) TIME OF ELECTIONS.—An  
4 election under paragraph (3) (includ-  
5 ing an election described in subclause  
6 (I)) with respect to a net operating  
7 loss arising in a taxable year begin-  
8 ning in 2018 or 2019 shall be made  
9 by the due date (including extensions  
10 of time) for filing the taxpayer’s re-  
11 turn for the first taxable year ending  
12 after the date of the enactment of this  
13 subparagraph.”.

14 (2) CONFORMING AMENDMENT.—Section  
15 172(b)(1)(A) of such Code, as amended by sub-  
16 section (c)(2), is amended by striking “and (C)(i)”  
17 and inserting “, (C)(i), and (D)”.

18 (c) TECHNICAL AMENDMENT RELATING TO SECTION  
19 13302 OF PUBLIC LAW 115–97.—

20 (1) Section 13302(e) of Public Law 115–97 is  
21 amended to read as follows:

22 “(e) EFFECTIVE DATES.—

23 “(1) NET OPERATING LOSS LIMITATION.—The  
24 amendments made by subsections (a) and (d)(2)  
25 shall apply to—

1           “(A) taxable years beginning after Decem-  
2           ber 31, 2017, and

3           “(B) taxable years beginning on or before  
4           such date to which net operating losses arising  
5           in taxable years beginning after such date are  
6           carried.

7           “(2) CARRYOVERS AND CARRYBACKS.—The  
8           amendments made by subsections (b), (c), and  
9           (d)(1) shall apply to net operating losses arising in  
10          taxable years beginning after December 31, 2017.”.

11          (2) Section 172(b)(1)(A) of the Internal Rev-  
12          enue Code of 1986 is amended to read as follows:

13           “(A) GENERAL RULE.—A net operating  
14          loss for any taxable year—

15           “(i) shall be a net operating loss  
16          carryback to the extent provided in sub-  
17          paragraphs (B) and (C)(i), and

18           “(ii) except as provided in subpara-  
19          graph (C)(ii), shall be a net operating loss  
20          carryover—

21           “(I) in the case of a net oper-  
22          ating loss arising in a taxable year be-  
23          ginning before January 1, 2018, to  
24          each of the 20 taxable years following  
25          the taxable year of the loss, and



1                   “(II) in the case of a net oper-  
2                   ating loss arising in a taxable year be-  
3                   ginning after December 31, 2017, to  
4                   each taxable year following the tax-  
5                   able year of the loss.”.

6           (d) EFFECTIVE DATES.—

7                   (1) NET OPERATING LOSS LIMITATION.—The  
8                   amendments made by subsection (a) shall apply—

9                           (A) to taxable years beginning after De-  
10                           cember 31, 2017, and

11                           (B) to taxable years beginning on or before  
12                           December 31, 2017, to which net operating  
13                           losses arising in taxable years beginning after  
14                           December 31, 2017, are carried.

15                   (2) CARRYOVERS AND CARRYBACKS.—The  
16                   amendment made by subsection (b) shall apply to—

17                           (A) net operating losses arising in taxable  
18                           years beginning after December 31, 2017, and

19                           (B) taxable years beginning before, on, or  
20                           after such date to which such net operating  
21                           losses are carried.

22                   (3) TECHNICAL AMENDMENTS.—The amend-  
23                   ments made by subsection (c) shall take effect as if  
24                   included in the provisions of Public Law 115–97 to  
25                   which they relate.

1           (4) SPECIAL RULE.—In the case of a net oper-  
2           ating loss arising in a taxable year beginning before  
3           January 1, 2018, and ending after December 31,  
4           2017—

5                   (A) an application under section 6411(a)  
6                   of the Internal Revenue Code of 1986 with re-  
7                   spect to the carryback of such net operating  
8                   loss shall not fail to be treated as timely filed  
9                   if filed not later than the date which is 120  
10                  days after the date of the enactment of this  
11                  Act, and

12                  (B) an election to—

13                          (i) forgo any carryback of such net  
14                          operating loss,

15                          (ii) reduce any period to which such  
16                          net operating loss may be carried back, or

17                          (iii) revoke any election made under  
18                          section 172(b) to forgo any carryback of  
19                          such net operating loss,

20                  shall not fail to be treated as timely made if  
21                  made not later than the date which is 120 days  
22                  after the date of the enactment of this Act.

1 **SEC. 2303. MODIFICATION OF LIMITATION ON LOSSES FOR**  
2 **TAXPAYERS OTHER THAN CORPORATIONS.**

3 (a) IN GENERAL.—Section 461(l)(1) of the Internal  
4 Revenue Code of 1986 is amended to read as follows:

5 “(1) LIMITATION.—In the case of a taxpayer  
6 other than a corporation—

7 “(A) for any taxable year beginning after  
8 December 31, 2017, and before January 1,  
9 2026, subsection (j) (relating to limitation on  
10 excess farm losses of certain taxpayers) shall  
11 not apply, and

12 “(B) for any taxable year beginning after  
13 December 31, 2020, and before January 1,  
14 2026, any excess business loss of the taxpayer  
15 for the taxable year shall not be allowed.”.

16 (b) TECHNICAL AMENDMENTS RELATING TO SEC-  
17 TION 11012 OF PUBLIC LAW 115–97.—

18 (1) Section 461(l)(2) of the Internal Revenue  
19 Code of 1986 is amended by striking “a net oper-  
20 ating loss carryover to the following taxable year  
21 under section 172” and inserting “a net operating  
22 loss for the taxable year for purposes of determining  
23 any net operating loss carryover under section  
24 172(b) for subsequent taxable years”.

25 (2) Section 461(l)(3)(A) of such Code is  
26 amended—

1 (A) in clause (i), by inserting “and without  
2 regard to any deduction allowable under section  
3 172 or 199A” after “under paragraph (1)”,  
4 and

5 (B) by adding at the end the following  
6 flush sentence:

7 “Such excess shall be determined without regard to  
8 any deductions, gross income, or gains attributable  
9 to any trade or business of performing services as an  
10 employee.”.

11 (3) Section 461(l)(3) of such Code is amended  
12 by redesignating subparagraph (B) as subparagraph  
13 (C) and by inserting after subparagraph (A) the fol-  
14 lowing new subparagraph:

15 “(B) TREATMENT OF CAPITAL GAINS AND  
16 LOSSES.—

17 “(i) LOSSES.—Deductions for losses  
18 from sales or exchanges of capital assets  
19 shall not be taken into account under sub-  
20 paragraph (A)(i).

21 “(ii) GAINS.—The amount of gains  
22 from sales or exchanges of capital assets  
23 taken into account under subparagraph  
24 (A)(ii) shall not exceed the lesser of—

1                   “(I) the capital gain net income  
2                   determined by taking into account  
3                   only gains and losses attributable to a  
4                   trade or business, or  
5                   “(II) the capital gain net in-  
6                   come.”.

7           (c) EFFECTIVE DATES.—

8                   (1) IN GENERAL.—The amendments made by  
9                   subsection (a) shall apply to taxable years beginning  
10                  after December 31, 2017.

11                  (2) TECHNICAL AMENDMENTS.—The amend-  
12                  ments made by subsection (b) shall take effect as if  
13                  included in the provisions of Public Law 115–97 to  
14                  which they relate.

15 **SEC. 2304. MODIFICATION OF CREDIT FOR PRIOR YEAR**  
16 **MINIMUM TAX LIABILITY OF CORPORATIONS.**

17           (a) IN GENERAL.—Section 53(e) of the Internal Rev-  
18           enue Code of 1986 is amended—

19                   (1) by striking “2018, 2019, 2020, or 2021” in  
20                   paragraph (1) and inserting “2018 or 2019”, and

21                   (2) by striking “2021” in paragraph (2) and in-  
22                   serting “2019”.

23           (b) ELECTION TO TAKE ENTIRE REFUNDABLE  
24           CREDIT AMOUNT IN 2018.—

1           (1) IN GENERAL.—Section 53(e) of such Code  
2 is amended by adding at the end the following new  
3 paragraph:

4           “(5) SPECIAL RULE.—In the case of a corpora-  
5 tion making an election under this paragraph—

6                   “(A) paragraph (1) shall not apply, and

7                   “(B) subsection (e) shall not apply to the  
8 first taxable year of such corporation beginning  
9 in 2018.”.

10          (c) EFFECTIVE DATE.—The amendments made by  
11 this section shall apply to taxable years beginning after  
12 December 31, 2017.

13          (d) SPECIAL RULE.—

14           (1) IN GENERAL.—For purposes of the Internal  
15 Revenue Code of 1986, a credit or refund for which  
16 an application described in paragraph (2)(A) is filed  
17 shall be treated as made under section 6411 of such  
18 Code.

19           (2) TENTATIVE REFUND.—

20                   (A) APPLICATION.—A taxpayer may file an  
21 application for a tentative refund of any  
22 amount for which a refund is due by reason of  
23 an election under section 53(e)(5) of the Inter-  
24 nal Revenue Code of 1986. Such application  
25 shall be in such manner and form as the Sec-

1           retary of the Treasury (or the Secretary's dele-  
2           gate) may prescribe and shall—

3                   (i) be verified in the same manner as  
4                   an application under section 6411(a) of  
5                   such Code,

6                   (ii) be filed prior to December 31,  
7                   2020, and

8                   (iii) set forth—

9                           (I) the amount of the refundable  
10                          credit claimed under section 53(e) of  
11                          such Code for such taxable year,

12                           (II) the amount of the refundable  
13                          credit claimed under such section for  
14                          any previously filed return for such  
15                          taxable year, and

16                           (III) the amount of the refund  
17                          claimed.

18                   (B) ALLOWANCE OF ADJUSTMENTS.—

19                   Within a period of 90 days from the date on  
20                   which an application is filed under subpara-  
21                   graph (A), the Secretary of the Treasury (or  
22                   the Secretary's delegate) shall—

23                           (i) review the application,

24                           (ii) determine the amount of the over-  
25                          payment, and

1 (iii) apply, credit, or refund such over-  
2 payment,  
3 in a manner similar to the manner provided in  
4 section 6411(b) of the Internal Revenue Code  
5 of 1986.

6 (C) CONSOLIDATED RETURNS.—The provi-  
7 sions of section 6411(c) of the Internal Revenue  
8 Code of 1986 Code shall apply to an adjust-  
9 ment under this paragraph to the same extent  
10 and manner as the Secretary of the Treasury  
11 (or the Secretary’s delegate) may provide.

12 **SEC. 2305. MODIFICATIONS OF LIMITATION ON BUSINESS**  
13 **INTEREST.**

14 (a) IN GENERAL.—Section 163(j) of the Internal  
15 Revenue Code of 1986 is amended by redesignating para-  
16 graph (10) as paragraph (11) and by inserting after para-  
17 graph (9) the following new paragraph:

18 “(10) SPECIAL RULE FOR TAXABLE YEARS BE-  
19 GINNING IN 2019 AND 2020.—

20 “(A) IN GENERAL.—

21 “(i) IN GENERAL.—Except as pro-  
22 vided in clause (ii) or (iii), in the case of  
23 any taxable year beginning in 2019 or  
24 2020, paragraph (1)(B) shall be applied by  
25 substituting ‘50 percent’ for ‘30 percent’.



1                   “(ii) SPECIAL RULE FOR PARTNER-  
2 SHIPS.—In the case of a partnership—

3                   “(I) clause (i) shall not apply to  
4 any taxable year beginning in 2019,  
5 but

6                   “(II) unless a partner elects not  
7 to have this subclause apply, in the  
8 case of any excess business interest of  
9 the partnership for any taxable year  
10 beginning in 2019 which is allocated  
11 to the partner under paragraph  
12 (4)(B)(i)(II)—

13                   “(aa) 50 percent of such ex-  
14 cess business interest shall be  
15 treated as business interest  
16 which, notwithstanding para-  
17 graph (4)(B)(ii), is paid or ac-  
18 crued by the partner in the part-  
19 ner’s first taxable year beginning  
20 in 2020 and which is not subject  
21 to the limits of paragraph (1),  
22 and

23                   “(bb) 50 percent of such ex-  
24 cess business interest shall be  
25 subject to the limitations of para-

1 graph (4)(B)(ii) in the same  
2 manner as any other excess busi-  
3 ness interest so allocated.

4 “(iii) ELECTION OUT.—A taxpayer  
5 may elect, at such time and in such man-  
6 ner as the Secretary may prescribe, not to  
7 have clause (i) apply to any taxable year.  
8 Such an election, once made, may be re-  
9 voked only with the consent of the Sec-  
10 retary. In the case of a partnership, any  
11 such election shall be made by the partner-  
12 ship and may be made only for taxable  
13 years beginning in 2020.

14 “(B) ELECTION TO USE 2019 ADJUSTED  
15 TAXABLE INCOME FOR TAXABLE YEARS BEGIN-  
16 NING IN 2020.—

17 “(i) IN GENERAL.—Subject to clause  
18 (ii), in the case of any taxable year begin-  
19 ning in 2020, the taxpayer may elect to  
20 apply this subsection by substituting the  
21 adjusted taxable income of the taxpayer for  
22 the last taxable year beginning in 2019 for  
23 the adjusted taxable income for such tax-  
24 able year. In the case of a partnership, any

1 such election shall be made by the partner-  
2 ship.

3 “(ii) SPECIAL RULE FOR SHORT TAX-  
4 ABLE YEARS.—If an election is made  
5 under clause (i) for a taxable year which is  
6 a short taxable year, the adjusted taxable  
7 income for the taxpayer’s last taxable year  
8 beginning in 2019 which is substituted  
9 under clause (i) shall be equal to the  
10 amount which bears the same ratio to such  
11 adjusted taxable income determined with-  
12 out regard to this clause as the number of  
13 months in the short taxable year bears to  
14 12”.

15 (b) EFFECTIVE DATE.—The amendments made by  
16 this section shall apply to taxable years beginning after  
17 December 31, 2018.

18 **SEC. 2306. TECHNICAL AMENDMENTS REGARDING QUALI-**  
19 **FIED IMPROVEMENT PROPERTY.**

20 (a) IN GENERAL.—Section 168 of the Internal Rev-  
21 enue Code of 1986 is amended—

22 (1) in subsection (e)—

23 (A) in paragraph (3)(E), by striking “and”  
24 at the end of clause (v), by striking the period  
25 at the end of clause (vi) and inserting “, and”,

1 and by adding at the end the following new  
2 clause:

3 “(vii) any qualified improvement prop-  
4 erty.”, and

5 (B) in paragraph (6)(A), by inserting  
6 “made by the taxpayer” after “any improve-  
7 ment”, and

8 (2) in the table contained in subsection  
9 (g)(3)(B)—

10 (A) by striking the item relating to sub-  
11 paragraph (D)(v), and

12 (B) by inserting after the item relating to  
13 subparagraph (E)(vi) the following new item:  
“(E)(vii) ..... 20”.

14 (b) EFFECTIVE DATE.—The amendments made by  
15 this section shall take effect as if included in section  
16 13204 of Public Law 115–97.

17 **TITLE III—SUPPORTING AMER-**  
18 **ICA’S HEALTH CARE SYSTEM**  
19 **IN THE FIGHT AGAINST THE**  
20 **CORONAVIRUS**

21 **Subtitle A—Health Provisions**

22 **SEC. 3001. SHORT TITLE.**

23 This subtitle may be cited as the “Coronavirus Aid,  
24 Relief, and Economic Security Act”.

1       **PART I—ADDRESSING SUPPLY SHORTAGES**

2               **Subpart A—Medical Product Supplies**

3       **SEC. 3101. NATIONAL ACADEMIES REPORT ON AMERICA’S**  
4               **MEDICAL PRODUCT SUPPLY CHAIN SECUR-**  
5               **RITY.**

6           (a) **IN GENERAL.**—Not later than 60 days after the  
7 date of enactment of this Act, the Secretary of Health and  
8 Human Services shall enter into an agreement with the  
9 National Academies of Sciences, Engineering, and Medi-  
10 cine (referred to in this section as the “National Acad-  
11 emies”) to examine, and, in a manner that does not com-  
12 promise national security, report on, the security of the  
13 United States medical product supply chain.

14           (b) **PURPOSES.**—The report developed under this sec-  
15 tion shall—

16               (1) assess and evaluate the dependence of the  
17 United States, including the private commercial sec-  
18 tor, States, and the Federal Government, on critical  
19 drugs and devices that are sourced or manufactured  
20 outside of the United States, which may include an  
21 analysis of—

22                       (A) the supply chain of critical drugs and  
23 devices of greatest priority to providing health  
24 care;

25                       (B) any potential public health security or  
26 national security risks associated with reliance

1 on critical drugs and devices sourced or manu-  
2 factured outside of the United States, which  
3 may include responses to previous or existing  
4 shortages or public health emergencies, such as  
5 infectious disease outbreaks, bioterror attacks,  
6 and other public health threats;

7 (C) any existing supply chain information  
8 gaps, as applicable; and

9 (D) potential economic impact of increased  
10 domestic manufacturing; and

11 (2) provide recommendations, which may in-  
12 clude a plan to improve the resiliency of the supply  
13 chain for critical drugs and devices as described in  
14 paragraph (1), and to address any supply  
15 vulnerabilities or potential disruptions of such prod-  
16 ucts that would significantly affect or pose a threat  
17 to public health security or national security, as ap-  
18 propriate, which may include strategies to—

19 (A) promote supply chain redundancy and  
20 contingency planning;

21 (B) encourage domestic manufacturing, in-  
22 cluding consideration of economic impacts, if  
23 any;

24 (C) improve supply chain information  
25 gaps;

1           (D) improve planning considerations for  
2           medical product supply chain capacity during  
3           public health emergencies; and

4           (E) promote the accessibility of such drugs  
5           and devices.

6           (c) INPUT.—In conducting the study and developing  
7           the report under subsection (b), the National Academies  
8           shall—

9           (1) consider input from the Department of  
10          Health and Human Services, the Department of  
11          Homeland Security, the Department of Defense, the  
12          Department of Commerce, the Department of State,  
13          the Department of Veterans Affairs, the Department  
14          of Justice, and any other Federal agencies as appro-  
15          priate; and

16          (2) consult with relevant stakeholders, which  
17          may include conducting public meetings and other  
18          forms of engagement, as appropriate, with health  
19          care providers, medical professional societies, State-  
20          based societies, public health experts, State and local  
21          public health departments, State medical boards, pa-  
22          tient groups, medical product manufacturers, health  
23          care distributors, wholesalers and group purchasing  
24          organizations, pharmacists, and other entities with

1 experience in health care and public health, as ap-  
2 propriate.

3 (d) DEFINITIONS.—In this section, the terms “de-  
4 vice” and “drug” have the meanings given such terms in  
5 section 201 of the Federal Food, Drug, and Cosmetic Act  
6 (21 U.S.C. 321).

7 **SEC. 3102. REQUIRING THE STRATEGIC NATIONAL STOCK-**  
8 **PILE TO INCLUDE CERTAIN TYPES OF MED-**  
9 **ICAL SUPPLIES.**

10 Section 319F–2(a)(1) of the Public Health Service  
11 Act (42 U.S.C. 247d–6b(a)(1)) is amended by inserting  
12 “(including personal protective equipment, ancillary med-  
13 ical supplies, and other applicable supplies required for the  
14 administration of drugs, vaccines and other biological  
15 products, medical devices, and diagnostic tests in the  
16 stockpile)” after “other supplies”.

17 **SEC. 3103. TREATMENT OF RESPIRATORY PROTECTIVE DE-**  
18 **VICES AS COVERED COUNTERMEASURES.**

19 Section 319F–3(i)(1)(D) of the Public Health Service  
20 Act (42 U.S.C. 247d–6d(i)(1)(D)) is amended to read as  
21 follows:

22 “(D) a respiratory protective device that is  
23 approved by the National Institute for Occupa-  
24 tional Safety and Health under part 84 of title  
25 42, Code of Federal Regulations (or any suc-



1           cessor regulations), and that the Secretary de-  
2           termines to be a priority for use during a public  
3           health emergency declared under section 319.”.

4     **Subpart B—Mitigating Emergency Drug Shortages**

5     **SEC. 3111. PRIORITIZE REVIEWS OF DRUG APPLICATIONS;**  
6                             **INCENTIVES.**

7           Section 506C(g) of the Federal Food, Drug, and Cos-  
8     metic Act (21 U.S.C. 356c(g)) is amended—

9           (1) in paragraph (1), by striking “the Secretary  
10          may” and inserting “the Secretary shall, as appro-  
11          priate”;

12          (2) in paragraph (1), by inserting “prioritize  
13          and” before “expedite the review”; and

14          (3) in paragraph (2), by inserting “prioritize  
15          and” before “expedite an inspection”.

16     **SEC. 3112. ADDITIONAL MANUFACTURER REPORTING RE-**  
17                             **QUIREMENTS IN RESPONSE TO DRUG SHORT-**  
18                             **AGES.**

19          (a) **EXPANSION TO INCLUDE ACTIVE PHARMA-**  
20     **CEUTICAL INGREDIENTS.**—Subsection (a) of section 506C  
21     of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.  
22     356c) is amended—

23           (1) in paragraph (1)(C), by inserting “or any  
24          such drug that is critical to the public health during  
25          a public health emergency declared by the Secretary

1 under section 319 of the Public Health Service Act”  
2 after “during surgery”; and

3 (2) in the flush text at the end—

4 (A) by inserting “, or a permanent dis-  
5 continuance in the manufacture of an active  
6 pharmaceutical ingredient or an interruption in  
7 the manufacture of the active pharmaceutical  
8 ingredient of such drug that is likely to lead to  
9 a meaningful disruption in the supply of the ac-  
10 tive pharmaceutical ingredient of such drug,”  
11 before “and the reasons”; and

12 (B) by adding at the end the following:  
13 “Notification under this subsection shall include  
14 disclosure of reasons for the discontinuation or  
15 interruption, and if applicable, an active phar-  
16 maceutical ingredient is a reason for, or risk  
17 factor in, such discontinuation or interruption,  
18 the source of the active pharmaceutical ingre-  
19 dient and any alternative sources for the active  
20 pharmaceutical ingredient known by the manu-  
21 facturer; whether any associated device used for  
22 preparation or administration included in the  
23 drug is a reason for, or a risk factor in, such  
24 discontinuation or interruption; the expected

1 duration of the interruption; and such other in-  
2 formation as the Secretary may require.”.

3 (b) RISK MANAGEMENT.—Section 506C of the Fed-  
4 eral Food, Drug, and Cosmetic Act (21 U.S.C. 356c) is  
5 amended by adding at the end the following:

6 “(j) RISK MANAGEMENT PLANS.—Each manufac-  
7 turer of a drug described in subsection (a) or of any active  
8 pharmaceutical ingredient or any associated medical de-  
9 vice used for preparation or administration included in the  
10 drug, shall develop, maintain, and implement, as appro-  
11 priate, a redundancy risk management plan that identifies  
12 and evaluates risks to the supply of the drug, as applica-  
13 ble, for each establishment in which such drug or active  
14 pharmaceutical ingredient of such drug is manufactured.  
15 A risk management plan under this section shall be sub-  
16 ject to inspection and copying by the Secretary pursuant  
17 to an inspection or a request under section 704(a)(4).”.

18 (c) ANNUAL NOTIFICATION.—Section 506E of the  
19 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356e)  
20 is amended by adding at the end the following:

21 “(d) INTERAGENCY NOTIFICATION.—Not later than  
22 180 days after the date of enactment of this subsection,  
23 and every 90 days thereafter, the Secretary shall transmit  
24 a report regarding the drugs of the current drug shortage

1 list under this section to the Administrator of the Centers  
2 for Medicare & Medicaid Services.”.

3 (d) REPORTING AFTER INSPECTIONS.—Section  
4 704(b) of the Federal Food, Drug, and Cosmetic Act (21  
5 U.S.C. 374(b)) is amended—

6 (1) by redesignating paragraphs (1) and (2)  
7 and subparagraphs (A) and (B);

8 (2) by striking “(b) Upon completion” and in-  
9 serting “(b)(1) Upon completion”; and

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

11 “(2) In carrying out this subsection with respect to  
12 any establishment manufacturing a drug approved under  
13 subsection (c) or (j) of section 505 for which a notification  
14 has been submitted in accordance with section 506C is,  
15 or has been in the last 5 years, listed on the drug shortage  
16 list under section 506E, or that is described in section  
17 505(j)(11)(A), a copy of the report shall be sent promptly  
18 to the appropriate offices of the Food and Drug Adminis-  
19 tration with expertise regarding drug shortages.”.

20 (e) REPORTING REQUIREMENT.—Section 510(j) of  
21 the Federal Food, Drug, Cosmetic Act (21 U.S.C. 360(j))  
22 is amended—

23 (1) by redesignating paragraphs (3) and (4) as  
24 paragraphs (4) and (5), respectively; and

1           (2) by inserting after paragraph (2) the fol-  
2           lowing:

3           “(3)(A) Each person who registers with the  
4           Secretary under this section with regard to a drug  
5           shall report annually to the Secretary on the amount  
6           of each drug listed under paragraph (1) that was  
7           manufactured, prepared, propagated, compounded,  
8           or processed by such person for commercial distribu-  
9           tion. Such information may be required to be sub-  
10          mitted in an electronic format as determined by the  
11          Secretary. The Secretary may require that informa-  
12          tion required to be reported under this paragraph be  
13          submitted at the time a public health emergency is  
14          declared by the Secretary under section 319 of the  
15          Public Health Service Act.

16          “(B) By order of the Secretary, certain biologi-  
17          cal products or categories of biological products reg-  
18          ulated under section 351 of the Public Health Serv-  
19          ice Act may be exempt from some or all of the re-  
20          porting requirements under subparagraph (A), if the  
21          Secretary determines that applying such reporting  
22          requirements to such biological products or cat-  
23          egories of biological products is not necessary to pro-  
24          tect the public health.”.

1 (f) CONFIDENTIALITY.—Nothing in the amendments  
2 made by this section shall be construed as authorizing the  
3 Secretary to disclose any information that is a trade secret  
4 or confidential information subject to section 552(b)(4) of  
5 title 5, United States Code, or section 1905 of title 18,  
6 United States Code.

7 (g) EFFECTIVE DATE.—The amendments made by  
8 this section and section 3111 shall take effect on the date  
9 that is 180 days after the date of enactment of this Act.

10 **Subpart C—Preventing Medical Device Shortages**

11 **SEC. 3121. DISCONTINUANCE OR INTERRUPTION IN THE**  
12 **PRODUCTION OF MEDICAL DEVICES.**

13 Chapter V of the Federal Food, Drug, and Cosmetic  
14 Act (21 U.S.C. 351 et seq.) is amended by inserting after  
15 section 506I the following:

16 **“SEC. 506J. DISCONTINUANCE OR INTERRUPTION IN THE**  
17 **PRODUCTION OF MEDICAL DEVICES.**

18 “(a) IN GENERAL.—A manufacturer of a device  
19 that—

20 “(1) is critical to public health during a public  
21 health emergency, including devices that are life-sup-  
22 porting, life-sustaining, or intended for use in emer-  
23 gency medical care or during surgery; or

24 “(2) for which the Secretary determines that in-  
25 formation on potential meaningful supply disrup-

1        tions of such device is needed during, or in advance  
2        of, a public health emergency;  
3 shall, during, or in advance of, a public health emergency  
4 declared by the Secretary under section 319 of the Public  
5 Health Service Act, notify the Secretary, in accordance  
6 with subsection (b), of a permanent discontinuance in the  
7 manufacture of the device (except for discontinuances as  
8 a result of an approved modification of the device) or an  
9 interruption of the manufacture of the device that is likely  
10 to lead to a meaningful disruption in the supply of that  
11 device in the United States, and the reasons for such dis-  
12 continuance or interruption.

13        “(b) TIMING.—A notice required under subsection (a)  
14 shall be submitted to the Secretary—

15            “(1) at least 6 months prior to the date of the  
16 discontinuance or interruption; or

17            “(2) if compliance with paragraph (1) is not  
18 possible, as soon as practicable.

19        “(c) DISTRIBUTION.—

20            “(1) PUBLIC AVAILABILITY.—To the maximum  
21 extent practicable, subject to paragraph (2), the Sec-  
22 retary shall distribute, through such means as the  
23 Secretary determines appropriate, information on  
24 the discontinuance or interruption of the manufac-  
25 ture of devices reported under subsection (a) to ap-

1       appropriate organizations, including physician, health  
2       provider, patient organizations, and supply chain  
3       partners, as appropriate and applicable, as described  
4       in subsection (g).

5               “(2) PUBLIC HEALTH EXCEPTION.—The Sec-  
6       retary may choose not to make information collected  
7       under this section publicly available pursuant to this  
8       section if the Secretary determines that disclosure of  
9       such information would adversely affect the public  
10      health, such as by increasing the possibility of un-  
11      necessary over purchase of product, component  
12      parts, or other disruption of the availability of med-  
13      ical products to patients.

14              “(d) CONFIDENTIALITY.—Nothing in this section  
15      shall be construed as authorizing the Secretary to disclose  
16      any information that is a trade secret or confidential infor-  
17      mation subject to section 552(b)(4) of title 5, United  
18      States Code, or section 1905 of title 18, United States  
19      Code.

20              “(e) FAILURE TO MEET REQUIREMENTS.—If a per-  
21      son fails to submit information required under subsection  
22      (a) in accordance with subsection (b)—

23                      “(1) the Secretary shall issue a letter to such  
24      person informing such person of such failure;



1           “(2) not later than 30 calendar days after the  
2           issuance of a letter under paragraph (1), the person  
3           who receives such letter shall submit to the Sec-  
4           retary a written response to such letter setting forth  
5           the basis for noncompliance and providing informa-  
6           tion required under subsection (a); and

7           “(3) not later than 45 calendar days after the  
8           issuance of a letter under paragraph (1), the Sec-  
9           retary shall make such letter and any response to  
10          such letter under paragraph (2) available to the pub-  
11          lic on the internet website of the Food and Drug Ad-  
12          ministration, with appropriate redactions made to  
13          protect information described in subsection (d), ex-  
14          cept that, if the Secretary determines that the letter  
15          under paragraph (1) was issued in error or, after re-  
16          view of such response, the person had a reasonable  
17          basis for not notifying as required under subsection  
18          (a), the requirements of this paragraph shall not  
19          apply.

20          “(f) EXPEDITED INSPECTIONS AND REVIEWS.—If,  
21          based on notifications described in subsection (a) or any  
22          other relevant information, the Secretary concludes that  
23          there is, or is likely to be, a shortage of an device, the  
24          Secretary shall, as appropriate—

1           “(1) prioritize and expedite the review of a sub-  
2           mission under section 513(f)(2), 515, review of a no-  
3           tification under section 510(k), or 520(m) for a de-  
4           vice that could help mitigate or prevent such short-  
5           age; or

6           “(2) prioritize and expedite an inspection or re-  
7           inspection of an establishment that could help miti-  
8           gate or prevent such shortage.

9           “(g) DEVICE SHORTAGE LIST.—

10           “(1) ESTABLISHMENT.—The Secretary shall es-  
11           tablish and maintain an up-to-date list of devices  
12           that are determined by the Secretary to be in short-  
13           age in the United States.

14           “(2) CONTENTS.—For each device included on  
15           the list under paragraph (1), the Secretary shall in-  
16           clude the following information:

17           “(A) The category or name of the device in  
18           shortage.

19           “(B) The name of each manufacturer of  
20           such device.

21           “(C) The reason for the shortage, as deter-  
22           mined by the Secretary, selecting from the fol-  
23           lowing categories:

24           “(i) Requirements related to com-  
25           plying with good manufacturing practices.

1 “(ii) Regulatory delay.

2 “(iii) Shortage or discontinuance of a  
3 component or part.

4 “(iv) Discontinuance of the manufac-  
5 ture of the device.

6 “(v) Delay in shipping of the device.

7 “(vi) Delay in sterilization of the de-  
8 vice.

9 “(vii) Demand increase for the device.

10 “(viii) Facility closure.

11 “(D) The estimated duration of the short-  
12 age as determined by the Secretary.

13 “(3) PUBLIC AVAILABILITY.—

14 “(A) IN GENERAL.—Subject to subpara-  
15 graphs (B) and (C), the Secretary shall make  
16 the information in the list under paragraph (1)  
17 publicly available.

18 “(B) TRADE SECRETS AND CONFIDENTIAL  
19 INFORMATION.—Nothing in this subsection  
20 shall be construed to alter or amend section  
21 1905 of title 18, United States Code, or section  
22 552(b)(4) of title 5 of such Code.

23 “(C) PUBLIC HEALTH EXCEPTION.—The  
24 Secretary may elect not to make information  
25 collected under this subsection publicly available

1           if the Secretary determines that disclosure of  
2           such information would adversely affect the  
3           public health (such as by increasing the possi-  
4           bility of hoarding or other disruption of the  
5           availability of the device to patients).

6           “(h) RULE OF CONSTRUCTION.—Nothing in this sec-  
7           tion shall be construed to affect the authority of the Sec-  
8           retary on the date of enactment of this section to expedite  
9           the review of devices under section 515 of the Federal  
10          Food, Drug, and Cosmetic Act, section 515B of such Act  
11          relating to the priority review program for devices, and  
12          section 564 of such Act relating to the emergency use au-  
13          thorization authorities.

14          “(i) DEFINITIONS.—In this section:

15                 “(1) MEANINGFUL DISRUPTION.—The term  
16                 ‘meaningful disruption’—

17                         “(A) means a change in production that is  
18                         reasonably likely to lead to a reduction in the  
19                         supply of a device by a manufacturer that is  
20                         more than negligible and affects the ability of  
21                         the manufacturer to fill orders or meet expected  
22                         demand for its product;

23                         “(B) does not include interruptions in  
24                         manufacturing due to matters such as routine  
25                         maintenance or insignificant changes in manu-

1           facturing so long as the manufacturer expects  
2           to resume operations in a short period of time,  
3           not to exceed 6 months;

4           “(C) does not include interruptions in  
5           manufacturing of components or raw materials  
6           so long as such interruptions do not result in  
7           a shortage of the device and the manufacturer  
8           expects to resume operations in a reasonable  
9           period of time; and

10           “(D) does not include interruptions in  
11           manufacturing that do not lead to a reduction  
12           in procedures or diagnostic tests associated with  
13           a medical device designed to perform more than  
14           one procedure or diagnostic test.

15           “(2) SHORTAGE.—The term ‘shortage’, with re-  
16           spect to a device, means a period of time when the  
17           demand or projected demand for the device within  
18           the United States exceeds the supply of the device.”.

1 **PART II—ACCESS TO HEALTH CARE FOR COVID-**  
2 **19 PATIENTS**

3 **Subpart A—Coverage of Testing and Preventive**  
4 **Services**

5 **SEC. 3201. COVERAGE OF DIAGNOSTIC TESTING FOR**  
6 **COVID-19.**

7 Paragraph (1) of section 6001(a) of division F of the  
8 Families First Coronavirus Response Act (Public Law  
9 116–127) is amended to read as follows:

10 “(1) An in vitro diagnostic test defined in sec-  
11 tion 809.3 of title 21, Code of Federal Regulations  
12 (or successor regulations) for the detection of  
13 SARS–CoV–2 or the diagnosis of the virus that  
14 causes COVID–19, and the administration of such a  
15 test, that—

16 “(A) is approved, cleared, or authorized  
17 under section 510(k), 513, 515, or 564 of the  
18 Federal Food, Drug, and Cosmetic Act (21  
19 U.S.C. 360(k), 360c, 360e, 360bbb–3);

20 “(B) the developer has requested, or in-  
21 tends to request, emergency use authorization  
22 under section 564 of the Federal Food, Drug,  
23 and Cosmetic Act (21 U.S.C. 360bbb–3), unless  
24 and until the emergency use authorization re-  
25 quest under such section 564 has been denied  
26 or the developer of such test does not submit a

1 request under such section within a reasonable  
2 timeframe;

3 “(C) is developed in and authorized by a  
4 State that has notified the Secretary of Health  
5 and Human Services of its intention to review  
6 tests intended to diagnose COVID-19; or

7 “(D) other test that the Secretary deter-  
8 mines appropriate in guidance.”.

9 **SEC. 3202. PRICING OF DIAGNOSTIC TESTING.**

10 (a) REIMBURSEMENT RATES.—A group health plan  
11 or a health insurance issuer providing coverage of items  
12 and services described in section 6001(a) of division F of  
13 the Families First Coronavirus Response Act (Public Law  
14 116–127) with respect to an enrollee shall reimburse the  
15 provider of the diagnostic testing as follows:

16 (1) If the health plan or issuer has a negotiated  
17 rate with such provider in effect before the emer-  
18 gency period described in section 6001(a) of division  
19 F of the Families First Coronavirus Response Act  
20 (Public Law 116–127), such negotiated rate shall  
21 apply throughout the period of such declaration,  
22 such negotiated rate shall apply.

23 (2) If the health plan or issuer does not have  
24 a negotiated rate with such provider, such plan or  
25 issuer shall reimburse the provider in an amount

1 that equals the cash price for such service as listed  
2 by the provider on a public internet website.

3 (b) REQUIREMENT TO PUBLICIZE CASH PRICE FOR  
4 DIAGNOSTIC TESTING FOR COVID-19.—

5 (1) IN GENERAL.—During the emergency pe-  
6 riod described in section 6001(a) of division F of the  
7 Families First Coronavirus Response Act (Public  
8 Law 116–127), each provider of a diagnostic test for  
9 COVID-19 shall make public the cash price for such  
10 test on a public internet website of such provider.

11 (2) CIVIL MONETARY PENALTIES.—The Sec-  
12 retary of Health and Human Services may impose a  
13 civil monetary penalty on any provider of a diag-  
14 nostic test for COVID-19 that is not in compliance  
15 with paragraph (1) and has not completed a correc-  
16 tive action plan to comply with the requirements of  
17 such paragraph, in an amount not to exceed \$300  
18 per day that the violation is ongoing.

19 **SEC. 3203. RAPID COVERAGE OF PREVENTIVE SERVICES**  
20 **AND VACCINES FOR CORONAVIRUS.**

21 (a) IN GENERAL.—Notwithstanding 2713(b) of the  
22 Public Health Service Act (42 U.S.C. 300gg–13), the Sec-  
23 retary of Health and Human Services, the Secretary of  
24 Labor, and the Secretary of the Treasury shall require  
25 group health plans and health insurance issuers offering



1 group or individual health insurance to cover (without  
2 cost-sharing) any qualifying coronavirus preventive serv-  
3 ice, pursuant to section 2713(a) of the Public Health Serv-  
4 ice Act (42 U.S.C. 300gg-13(a)) (including the regula-  
5 tions under sections 2590.715-2713 of title 29, Code of  
6 Federal Regulations, section 54.9815-2713 of title 26,  
7 Code of Federal Regulations, and section 147.130 of title  
8 45, Code of Federal Regulations (or any successor regula-  
9 tions)). The requirement described in this subsection shall  
10 take effect with respect to a qualifying coronavirus preven-  
11 tion service on the specified date described in subsection  
12 (b)(2).

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

14 (1) QUALIFYING CORONAVIRUS PREVENTIVE  
15 SERVICE.—The term “qualifying coronavirus preven-  
16 tive service” means an item, service, or immuniza-  
17 tion that is intended to prevent or mitigate  
18 coronavirus disease 2019 and that is—

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

23 (B) an immunization that has in effect a  
24 recommendation from the Advisory Committee  
25 on Immunization Practices of the Centers for

1           Disease Control and Prevention with respect to  
2           the individual involved.

3           (2) SPECIFIED DATE.—The term “specified  
4           date” means the date that is 15 business days after  
5           the date on which a recommendation is made relat-  
6           ing to the qualifying coronavirus preventive service  
7           as described in such paragraph.

8           (3) ADDITIONAL TERMS.—In this section, the  
9           terms “group health plan”, “health insurance  
10          issuer”, “group health insurance coverage”, and “in-  
11          dividual health insurance coverage” have the mean-  
12          ings given such terms in section 2791 of the Public  
13          Health Service Act (42 U.S.C. 300gg–91), section  
14          733 of the Employee Retirement Income Security  
15          Act of 1974 (29 U.S.C. 1191b), and section 9832 of  
16          the Internal Revenue Code, as applicable.

17       **Subpart B—Support for Health Care Providers**

18       **SEC. 3211. SUPPLEMENTAL AWARDS FOR HEALTH CEN-**  
19                               **TERS.**

20           (a) SUPPLEMENTAL AWARDS.—Section 330(r) of the  
21       Public Health Service Act (42 U.S.C. 254b(r)) is amended  
22       by adding at the end the following:

23                       “(6) ADDITIONAL AMOUNTS FOR SUPPLE-  
24           MENTAL AWARDS.—In addition to any amounts  
25           made available pursuant to this subsection, section

1 402A of this Act, or section 10503 of the Patient  
2 Protection and Affordable Care Act, there is author-  
3 ized to be appropriated, and there is appropriated,  
4 out of any monies in the Treasury not otherwise ap-  
5 propriated, \$1,320,000,000 for fiscal year 2020 for  
6 supplemental awards under subsection (d) for the  
7 detection of SARS-CoV-2 or the prevention, diag-  
8 nosis, and treatment of COVID-19.”.

9 (b) APPLICATION OF PROVISIONS.—Amounts appro-  
10 priated pursuant to the amendment made by subsection  
11 (a) for fiscal year 2020 shall be subject to the require-  
12 ments contained in Public Law 116–94 for funds for pro-  
13 grams authorized under sections 330 through 340 of the  
14 Public Health Service Act (42 U.S.C. 254 through 256).

15 **SEC. 3212. TELEHEALTH NETWORK AND TELEHEALTH RE-**  
16 **SOURCE CENTERS GRANT PROGRAMS.**

17 Section 330I of the Public Health Service Act (42  
18 U.S.C. 254c–14) is amended—

19 (1) in subsection (d)—

20 (A) in paragraph (1)—

21 (i) in the matter preceding subpara-  
22 graph (A), by striking “projects to dem-  
23 onstrate how telehealth technologies can be  
24 used through telehealth networks” and in-  
25 serting “evidence-based projects that uti-

1 lize telehealth technologies through tele-  
2 health networks”;

3 (ii) in subparagraph (A)—

4 (I) by striking “the quality of”  
5 and inserting “access to, and the  
6 quality of,”; and

7 (II) by inserting “and” after the  
8 semicolon;

9 (iii) by striking subparagraph (B);

10 (iv) by redesignating subparagraph  
11 (C) as subparagraph (B); and

12 (v) in subparagraph (B), as so reded-  
13 igned, by striking “and patients and  
14 their families, for decisionmaking” and in-  
15 sserting “, patients, and their families”;  
16 and

17 (B) in paragraph (2)—

18 (i) by striking “demonstrate how tele-  
19 health technologies can be used” and in-  
20 sserting “support initiatives that utilize  
21 telehealth technologies”; and

22 (ii) by striking “, to establish tele-  
23 health resource centers”;

24 (2) in subsection (e), by striking “4 years” and  
25 inserting “5 years”;

1 (3) in subsection (f)—

2 (A) by striking paragraph (2);

3 (B) in paragraph (1)(B)—

4 (i) by redesignating clauses (i)  
5 through (iii) as paragraphs (1) through  
6 (3), respectively, and adjusting the mar-  
7 gins accordingly;

8 (ii) in paragraph (3), as so redesign-  
9 nated by clause (i), by redesignating sub-  
10 clauses (I) through (XII) as subparagraphs  
11 (A) through (L), respectively, and adjust-  
12 ing the margins accordingly; and

13 (iii) by striking “(1) TELEHEALTH  
14 NETWORK GRANTS—” and all that follows  
15 through “(B) TELEHEALTH NETWORKS—  
16 ”; and

17 (C) in paragraph (3)(I), as so redesign-  
18 nated, by inserting “and substance use dis-  
19 order” after “mental health” each place such  
20 term appears;

21 (4) in subsection (g)(2), by striking “or im-  
22 prove” and inserting “and improve”;

23 (5) by striking subsection (h);

24 (6) by redesignating subsections (i) through (p)  
25 as subsection (h) through (o), respectively;

1 (7) in subsection (h), as so redesignated—

2 (A) in paragraph (1)—

3 (i) in subparagraph (B), by striking  
4 “mental health, public health, long-term  
5 care, home care, preventive” and inserting  
6 “mental health care, public health services,  
7 long-term care, home care, preventive  
8 care”;

9 (ii) in subparagraph (E), by inserting  
10 “and regional” after “local”; and

11 (iii) by striking subparagraph (F);

12 and

13 (B) in paragraph (2)(A), by striking  
14 “medically underserved areas or” and inserting  
15 “rural areas, medically underserved areas, or”;

16 (8) in paragraph (2) of subsection (i), as so re-  
17 designating, by striking “ensure that—” and all that  
18 follows through the end of subparagraph (B) and in-  
19 serting “ensure that not less than 50 percent of the  
20 funds awarded shall be awarded for projects in rural  
21 areas.”;

22 (9) in subsection (j), as so redesignating—

23 (A) in paragraph (1)(B), by striking “com-  
24 puter hardware and software, audio and video  
25 equipment, computer network equipment, inter-

1 active equipment, data terminal equipment, and  
2 other”; and

3 (B) in paragraph (2)(F), by striking  
4 “health care providers and”;

5 (10) in subsection (k), as so redesignated—

6 (A) in paragraph (2), by striking “40 per-  
7 cent” and inserting “20 percent”; and

8 (B) in paragraph (3), by striking “(such as  
9 laying cable or telephone lines, or purchasing or  
10 installing microwave towers, satellite dishes,  
11 amplifiers, or digital switching equipment)”;

12 (11) by striking subsections (q) and (r) and in-  
13 serting the following:

14 “(p) REPORT.—Not later than 4 years after the date  
15 of enactment of the Coronavirus Aid, Relief, and Eco-  
16 nomic Security Act, and every 5 years thereafter, the Sec-  
17 retary shall prepare and submit to the Committee on  
18 Health, Education, Labor, and Pensions of the Senate and  
19 the Committee on Energy and Commerce of the House  
20 of Representatives a report on the activities and outcomes  
21 of the grant programs under subsection (b).”;

22 (12) by redesignating subsection (s) as sub-  
23 section (q); and

24 (13) in subsection (q), as so redesignated, by  
25 striking “this section—” and all that follows

1 through the end of paragraph (2) and inserting  
2 “this section \$29,000,000 for each of fiscal years  
3 2021 through 2025.”.

4 **SEC. 3213. RURAL HEALTH CARE SERVICES OUTREACH,**  
5 **RURAL HEALTH NETWORK DEVELOPMENT,**  
6 **AND SMALL HEALTH CARE PROVIDER QUAL-**  
7 **ITY IMPROVEMENT GRANT PROGRAMS.**

8 Section 330A of the Public Health Service Act (42  
9 U.S.C. 254e) is amended—

10 (1) in subsection (d)(2)—

11 (A) in subparagraph (A), by striking “es-  
12 sential” and inserting “basic”; and

13 (B) in subparagraph (B)—

14 (i) in the matter preceding clause (i),  
15 by inserting “to” after “grants”; and

16 (ii) in clauses (i), (ii), and (iii), by  
17 striking “to” each place such term ap-  
18 pears;

19 (2) in subsection (e)—

20 (A) in paragraph (1)—

21 (i) by inserting “improving and” after  
22 “outreach by”;

23 (ii) by inserting “, through community  
24 engagement and evidence-based or innova-



1           tive, evidence-informed models” before the  
2           period of the first sentence; and

3                   (iii) by striking “3 years” and insert-  
4           ing “5 years”;

5           (B) in paragraph (2)—

6                   (i) in the matter preceding subpara-  
7           graph (A), by inserting “shall” after “enti-  
8           ty”;

9                   (ii) in subparagraph (A), by striking  
10          “shall be a rural public or rural nonprofit  
11          private entity” and inserting “be an entity  
12          with demonstrated experience serving, or  
13          the capacity to serve, rural underserved  
14          populations”;

15                  (iii) in subparagraphs (B) and (C), by  
16          striking “shall” each place such term ap-  
17          pears; and

18                  (iv) in subparagraph (B)—

19                   (I) in the matter preceding clause  
20           (i), by inserting “that” after “mem-  
21           bers”; and

22                   (II) in clauses (i) and (ii), by  
23           striking “that” each place such term  
24           appears; and

1                   (C) in paragraph (3)(C), by striking “the  
2                   local community or region” and inserting “the  
3                   rural underserved populations in the local com-  
4                   munity or region”;

5                   (3) in subsection (f)—

6                   (A) in paragraph (1)—

7                   (i) in subparagraph (A)—

8                   (I) in the matter preceding clause  
9                   (i), by striking “promote, through  
10                  planning and implementation, the de-  
11                  velopment of integrated health care  
12                  networks that have combined the  
13                  functions of the entities participating  
14                  in the networks” and inserting “plan,  
15                  develop, and implement integrated  
16                  health care networks that collabo-  
17                  rate”; and

18                  (II) in clause (ii), by striking  
19                  “essential health care services” and  
20                  inserting “basic health care services  
21                  and associated health outcomes”; and

22                  (ii) by amending subparagraph (B) to  
23                  read as follows:

1           “(B) GRANT PERIODS.—The Director may  
2           award grants under this subsection for periods  
3           of not more than 5 years.”;

4           (B) in paragraph (2)—

5           (i) in the matter preceding subpara-  
6           graph (A), by inserting “shall” after “enti-  
7           ty”;

8           (ii) in subparagraph (A), by striking  
9           “shall be a rural public or rural nonprofit  
10          private entity” and inserting “be an entity  
11          with demonstrated experience serving, or  
12          the capacity to serve, rural underserved  
13          populations”;

14          (iii) in subparagraph (B)—

15           (I) in the matter preceding clause

16           (i)—

17           (aa) by striking “shall”; and

18           (bb) by inserting “that”

19           after “participants”; and

20           (II) in clauses (i) and (ii), by

21           striking “that” each place such term

22           appears; and

23           (iv) in subparagraph (C), by striking

24           “shall”; and

25          (C) in paragraph (3)—

1 (i) by amending clause (iii) of sub-  
2 paragraph (C) to read as follows:

3 “(iii) how the rural underserved popu-  
4 lations in the local community or region to  
5 be served will benefit from and be involved  
6 in the development and ongoing operations  
7 of the network;”; and

8 (ii) in subparagraph (D), by striking  
9 “the local community or region” and in-  
10 sserting “the rural underserved populations  
11 in the local community or region”;

12 (4) in subsection (g)—

13 (A) in paragraph (1)—

14 (i) by inserting “, including activities  
15 related to increasing care coordination, en-  
16 hancing chronic disease management, and  
17 improving patient health outcomes” before  
18 the period of the first sentence; and

19 (ii) by striking “3 years” and insert-  
20 ing “5 years”;

21 (B) in paragraph (2)—

22 (i) in the matter preceding subpara-  
23 graph (A), by inserting “shall” after “enti-  
24 ty”;

1 (ii) in subparagraphs (A) and (B), by  
2 striking “shall” each place such term ap-  
3 pears; and

4 (iii) in subparagraph (A)(ii), by in-  
5 serting “or regional” after “local”; and

6 (C) in paragraph (3)(D), by striking “the  
7 local community or region” and inserting “the  
8 rural underserved populations in the local com-  
9 munity or region”;

10 (5) in subsection (h)(3), in the matter pre-  
11 ceding subparagraph (A), by inserting “, as appro-  
12 priate,” after “the Secretary”;

13 (6) by amending subsection (i) to read as fol-  
14 lows:

15 “(i) REPORT.—Not later than 4 years after the date  
16 of enactment of the Coronavirus Aid, Relief, and Eco-  
17 nomic Security Act, and every 5 years thereafter, the Sec-  
18 retary shall prepare and submit to the Committee on  
19 Health, Education, Labor, and Pensions of the Senate and  
20 the Committee on Energy and Commerce of the House  
21 of Representatives a report on the activities and outcomes  
22 of the grant programs under subsections (e), (f), and (g),  
23 including the impact of projects funded under such pro-  
24 grams on the health status of rural residents with chronic  
25 conditions.”; and

1           (7) in subsection (j), by striking “\$45,000,000  
2           for each of fiscal years 2008 through 2012” and in-  
3           serting “\$79,500,000 for each of fiscal years 2021  
4           through 2025”.

5 **SEC. 3214. UNITED STATES PUBLIC HEALTH SERVICE MOD-**  
6 **ERNIZATION.**

7           (a) COMMISSIONED CORPS AND READY RESERVE  
8 CORPS.—Section 203 of the Public Health Service Act (42  
9 U.S.C. 204) is amended—

10           (1) in subsection (a)(1), by striking “a Ready  
11           Reserve Corps for service in time of national emer-  
12           gency” and inserting “, for service in time of a pub-  
13           lic health or national emergency, a Ready Reserve  
14           Corps”; and

15           (2) in subsection (c)—

16           (A) in the heading, by striking “RE-  
17           SEARCH” and inserting “RESERVE CORPS”;

18           (B) in paragraph (1), by inserting “during  
19           public health or national emergencies” before  
20           the period;

21           (C) in paragraph (2)—

22           (i) in the matter preceding subpara-  
23           graph (A), by inserting “, consistent with  
24           paragraph (1)” after “shall”;

1 (ii) in subparagraph (C), by inserting  
2 “during such emergencies” after “mem-  
3 bers”; and

4 (iii) in subparagraph (D), by inserting  
5 “, consistent with subparagraph (C)” be-  
6 fore the period; and

7 (D) by adding at the end the following:

8 “(3) STATUTORY REFERENCES TO RESERVE.—

9 A reference in any Federal statute, except in the  
10 case of subsection (b), to the ‘Reserve Corps’ of the  
11 Public Health Service or to the ‘reserve’ of the Pub-  
12 lic Health Service shall be deemed to be a reference  
13 to the Ready Reserve Corps.”.

14 (b) DEPLOYMENT READINESS.—Section  
15 203A(a)(1)(B) of the Public Health Service Act (42  
16 U.S.C. 204a(a)(1)(B)) is amended by striking “Active Re-  
17 serves” and inserting “Ready Reserve Corps”.

18 (c) RETIREMENT OF COMMISSIONED OFFICERS.—  
19 Section 211 of the Public Health Service Act (42 U.S.C.  
20 212) is amended—

21 (1) by striking “the Service” each place it ap-  
22 pears and inserting “the Regular Corps”;

23 (2) in subsection (a)(4), by striking “(in the  
24 case of an officer in the Reserve Corps)”;

25 (3) in subsection (c)—

1 (A) in paragraph (1)—

2 (i) by striking “or an officer of the  
3 Reserve Corps”; and

4 (ii) by inserting “or under section  
5 221(a)(19)” after “subsection (a)”; and

6 (B) in paragraph (2), by striking “Regular  
7 or Reserve Corps” and inserting “Regular  
8 Corps or Ready Reserve Corps”; and

9 (4) in subsection (f), by striking “the Regular  
10 or Reserve Corps of”.

11 (d) RIGHTS, PRIVILEGES, ETC. OF OFFICERS AND  
12 SURVIVING BENEFICIARIES.—Section 221 of the Public  
13 Health Service Act (42 U.S.C. 213a) is amended—

14 (1) in subsection (a), by adding at the end the  
15 following:

16 “(19) Chapter 1223, Retired Pay for Non-Reg-  
17 ular Service.

18 “(20) Section 12601, Compensation: Reserve on  
19 active duty accepting from any person.

20 “(21) Section 12684, Reserves: separation for  
21 absence without authority or sentence to imprison-  
22 ment.”; and

23 (2) in subsection (b)—

24 (A) by striking “Secretary of Health, Edu-  
25 cation, and Welfare or his designee” and insert-



1           ing “Secretary of Health and Human Services  
2           or the designee of such secretary”;

3                   (B) by striking “(b) The authority vested”  
4           and inserting the following:

5           “(b)(1) The authority vested”;

6                   (C) by striking “For purposes of” and in-  
7           serting the following:

8           “(2) For purposes of”; and

9                   (D) by adding at the end the following:

10          “(3) For purposes of paragraph (19) of subsection  
11 (a), the terms ‘Military department’, ‘Secretary con-  
12 cerned’, and ‘Armed forces’ in such title 10 shall be  
13 deemed to include, respectively, the Department of Health  
14 and Human Services, the Secretary of Health and Human  
15 Services, and the Commissioned Corps.”.

16          (e) TECHNICAL AMENDMENTS.—Title II of the Pub-  
17 lic Health Service Act (42 U.S.C. 202 et seq.) is amend-  
18 ed—

19           (1) in sections 204 and 207(c), by striking  
20           “Regular or Reserve Corps” each place it appears  
21           and inserting “Regular Corps or Ready Reserve  
22           Corps”;

23           (2) in section 208(a), by striking “Regular and  
24           Reserve Corps” each place it appears and inserting  
25           “Regular Corps and Ready Reserve Corps”; and

1           (3) in section 205(c), 206(c), 210, and 219,  
2           and in subsections (a), (b), and (d) of section 207,  
3           by striking “Reserve Corps” each place it appears  
4           and inserting “Ready Reserve Corps”.

5 **SEC. 3215. LIMITATION ON LIABILITY FOR VOLUNTEER**  
6                   **HEALTH CARE PROFESSIONALS DURING**  
7                   **COVID-19 EMERGENCY RESPONSE.**

8           (a) **LIMITATION ON LIABILITY.**—Except as provided  
9           in subsection (b), a health care professional shall not be  
10          liable under Federal or State law for any harm caused  
11          by an act or omission of the professional in the provision  
12          of health care services during the public health emergency  
13          with respect to COVID-19 declared by the Secretary of  
14          Health and Human Services (referred to in this section  
15          as the “Secretary”) under section 319 of the Public  
16          Health Service Act (42 U.S.C. 247d) on January 31,  
17          2020, if—

18               (1) the professional is providing health care  
19               services in response to such public health emergency,  
20               as a volunteer; and

21               (2) the act or omission occurs—

22                       (A) in the course of providing health care  
23                       services;

24                       (B) in the health care professional’s capac-  
25                       ity as a volunteer;

1 (C) in the course of providing health care  
2 services that—

3 (i) are within the scope of the license,  
4 registration, or certification of the volun-  
5 teer, as defined by the State of licensure,  
6 registration, or certification; and

7 (ii) do not exceed the scope of license,  
8 registration, or certification of a substan-  
9 tially similar health professional in the  
10 State in which such act or omission occurs;  
11 and

12 (D) in a good faith belief that the indi-  
13 vidual being treated is in need of health care  
14 services.

15 (b) EXCEPTIONS.—Subsection (a) does not apply if—

16 (1) the harm was caused by an act or omission  
17 constituting willful or criminal misconduct, gross  
18 negligence, reckless misconduct, or a conscious fla-  
19 grant indifference to the rights or safety of the indi-  
20 vidual harmed by the health care professional; or

21 (2) the health care professional rendered the  
22 health care services under the influence (as deter-  
23 mined pursuant to applicable State law) of alcohol  
24 or an intoxicating drug.

25 (c) PREEMPTION.—

1           (1) IN GENERAL.—This section preempts the  
2 laws of a State or any political subdivision of a State  
3 to the extent that such laws are inconsistent with  
4 this section, unless such laws provide greater protec-  
5 tion from liability.

6           (2) VOLUNTEER PROTECTION ACT.—Protec-  
7 tions afforded by this section are in addition to those  
8 provided by the Volunteer Protection Act of 1997  
9 (Public Law 105–19).

10       (d) DEFINITIONS.—In this section—

11           (1) the term “harm” includes physical, non-  
12 physical, economic, and noneconomic losses;

13           (2) the term “health care professional” means  
14 an individual who is licensed, registered, or certified  
15 under Federal or State law to provide health care  
16 services;

17           (3) the term “health care services” means any  
18 services provided by a health care professional, or by  
19 any individual working under the supervision of a  
20 health care professional that relate to—

21               (A) the diagnosis, prevention, or treatment  
22 of COVID-19; or

23               (B) the assessment or care of the health of  
24 a human being related to an actual or sus-  
25 pected case of COVID-19; and

1           (4) the term “volunteer” means a health care  
2 professional who, with respect to the health care  
3 services rendered, does not receive compensation or  
4 any other thing of value in lieu of compensation,  
5 which compensation—

6           (A) includes a payment under any insur-  
7 ance policy or health plan, or under any Fed-  
8 eral or State health benefits program; and

9           (B) excludes—

10           (i) receipt of items to be used exclu-  
11 sively for rendering health care services in  
12 the health care professional’s capacity as a  
13 volunteer described in subsection (a)(1);  
14 and

15           (ii) any reimbursement for travel to  
16 the site where the volunteer services are  
17 rendered and any payments in cash or kind  
18 to cover room and board, if services are  
19 being rendered more than 75 miles from  
20 the volunteer’s principal place of residence.

21       (e) EFFECTIVE DATE.—This section shall take effect  
22 upon the date of enactment of this Act, and applies to  
23 a claim for harm only if the act or omission that caused  
24 such harm occurred on or after the date of enactment.

1 (f) SUNSET.—This section shall be in effect only for  
2 the length of the public health emergency declared by the  
3 Secretary of Health and Human Services (referred to in  
4 this section as the “Secretary”) under section 319 of the  
5 Public Health Service Act (42 U.S.C. 247d) on January  
6 31, 2020 with respect to COVID-19.

7 **SEC. 3216. FLEXIBILITY FOR MEMBERS OF NATIONAL**  
8 **HEALTH SERVICE CORPS DURING EMER-**  
9 **GENCY PERIOD.**

10 During the public health emergency declared by the  
11 Secretary of Health and Human Services under section  
12 319 of the Public Health Service Act (42 U.S.C. 247d)  
13 on January 31, 2020, with respect to COVID-19, the Sec-  
14 retary may, notwithstanding section 333 of the Public  
15 Health Service Act (42 U.S.C. 254f), assign members of  
16 the National Health Service Corps, with the voluntary  
17 agreement of such corps members, to provide such health  
18 services at such places, and for such number of hours, as  
19 the Secretary determines necessary to respond to such  
20 emergency, provided that such places are within a reason-  
21 able distance to the site to which such members were origi-  
22 nally assigned, and the total number of hours required are  
23 the same as were required of such members prior to the  
24 date of enactment of this Act.

1                   **Subpart C—Miscellaneous Provisions**

2   **SEC. 3221. CONFIDENTIALITY AND DISCLOSURE OF**  
3                   **RECORDS RELATING TO SUBSTANCE USE DIS-**  
4                   **ORDER.**

5           (a) CONFORMING CHANGES RELATING TO SUB-  
6   STANCE USE DISORDER.—Subsections (a) and (h) of sec-  
7   tion 543 of the Public Health Service Act (42 U.S.C.  
8   290dd–2) are each amended by striking “substance  
9   abuse” and inserting “substance use disorder”.

10          (b) DISCLOSURES TO COVERED ENTITIES CON-  
11   SISTENT WITH HIPAA.—Paragraph (1) of section 543(b)  
12   of the Public Health Service Act (42 U.S.C. 290dd–2(b))  
13   is amended to read as follows:

14               “(1) CONSENT.—The following shall apply with  
15               respect to the contents of any record referred to in  
16               subsection (a):

17                       “(A) Such contents may be used or dis-  
18                       closed in accordance with the prior written con-  
19                       sent of the patient with respect to whom such  
20                       record is maintained.

21                       “(B) Once prior written consent of the pa-  
22                       tient has been obtained, such contents may be  
23                       used or disclosed by a covered entity, business  
24                       associate, or a program subject to this section  
25                       for purposes of treatment, payment, and health  
26                       care operations as permitted by the HIPAA

1 regulations. Any information so disclosed may  
2 then be redisclosed in accordance with the  
3 HIPAA regulations. Section 13405(c) of the  
4 Health Information Technology and Clinical  
5 Health Act (42 U.S.C. 17935(c)) shall apply to  
6 all disclosures pursuant to subsection (b)(1) of  
7 this section.

8 “(C) It shall be permissible for a patient’s  
9 prior written consent to be given once for all  
10 such future uses or disclosures for purposes of  
11 treatment, payment, and health care operations,  
12 until such time as the patient revokes such con-  
13 sent in writing.

14 “(D) Section 13405(a) of the Health In-  
15 formation Technology and Clinical Health Act  
16 (42 U.S.C. 17935(a)) shall apply to all disclo-  
17 sures pursuant to subsection (b)(1) of this sec-  
18 tion.”.

19 (c) DISCLOSURES OF DE-IDENTIFIED HEALTH IN-  
20 FORMATION TO PUBLIC HEALTH AUTHORITIES.—Para-  
21 graph (2) of section 543(b) of the Public Health Service  
22 Act (42 U.S.C. 290dd–2(b)), is amended by adding at the  
23 end the following:

24 “(D) To a public health authority, so long  
25 as such content meets the standards established



1 in section 164.514(b) of title 45, Code of Fed-  
2 eral Regulations (or successor regulations) for  
3 creating de-identified information.”.

4 (d) DEFINITIONS.—Section 543 of the Public Health  
5 Service Act (42 U.S.C. 290dd-2) is amended by adding  
6 at the end the following:

7 “(k) DEFINITIONS.—For purposes of this section:

8 “(1) BREACH.—The term ‘breach’ has the  
9 meaning given such term for purposes of the HIPAA  
10 regulations.

11 “(2) BUSINESS ASSOCIATE.—The term ‘busi-  
12 ness associate’ has the meaning given such term for  
13 purposes of the HIPAA regulations.

14 “(3) COVERED ENTITY.—The term ‘covered en-  
15 tity’ has the meaning given such term for purposes  
16 of the HIPAA regulations.

17 “(4) HEALTH CARE OPERATIONS.—The term  
18 ‘health care operations’ has the meaning given such  
19 term for purposes of the HIPAA regulations.

20 “(5) HIPPA REGULATIONS.—The term  
21 ‘HIPAA regulations’ has the meaning given such  
22 term for purposes of parts 160 and 164 of title 45,  
23 Code of Federal Regulations.

1           “(6) PAYMENT.—The term ‘payment’ has the  
2 meaning given such term for purposes of the HIPAA  
3 regulations.

4           “(7) PUBLIC HEALTH AUTHORITY.—The term  
5 ‘public health authority’ has the meaning given such  
6 term for purposes of the HIPAA regulations.

7           “(8) TREATMENT.—The term ‘treatment’ has  
8 the meaning given such term for purposes of the  
9 HIPAA regulations.

10           “(9) UNSECURED PROTECTED HEALTH INFOR-  
11 MATION.—The term ‘unprotected health information’  
12 has the meaning given such term for purposes of the  
13 HIPAA regulations.”.

14           (e) USE OF RECORDS IN CRIMINAL, CIVIL, OR AD-  
15 MINISTRATIVE INVESTIGATIONS, ACTIONS, OR PRO-  
16 CEEDINGS.—Subsection (c) of section 543 of the Public  
17 Health Service Act (42 U.S.C. 290dd–2(c)) is amended  
18 to read as follows:

19           “(c) USE OF RECORDS IN CRIMINAL, CIVIL, OR AD-  
20 MINISTRATIVE CONTEXTS.—Except as otherwise author-  
21 ized by a court order under subsection (b)(2)(C) or by the  
22 consent of the patient, a record referred to in subsection  
23 (a), or testimony relaying the information contained there-  
24 in, may not be disclosed or used in any civil, criminal, ad-  
25 ministrative, or legislative proceedings conducted by any

1 Federal, State, or local authority, against a patient, in-  
2 cluding with respect to the following activities:

3 “(1) Such record or testimony shall not be en-  
4 tered into evidence in any criminal prosecution or  
5 civil action before a Federal or State court.

6 “(2) Such record or testimony shall not form  
7 part of the record for decision or otherwise be taken  
8 into account in any proceeding before a Federal,  
9 State, or local agency.

10 “(3) Such record or testimony shall not be used  
11 by any Federal, State, or local agency for a law en-  
12 forcement purpose or to conduct any law enforce-  
13 ment investigation.

14 “(4) Such record or testimony shall not be used  
15 in any application for a warrant.”.

16 (f) PENALTIES.—Subsection (f) of section 543 of the  
17 Public Health Service Act (42 U.S.C. 290dd–2) is amend-  
18 ed to read as follows:

19 “(f) PENALTIES.—The provisions of sections 1176  
20 and 1177 of the Social Security Act shall apply to a viola-  
21 tion of this section to the extent and in the same manner  
22 as such provisions apply to a violation of part C of title  
23 XI of such Act. In applying the previous sentence—

24 “(1) the reference to ‘this subsection’ in sub-  
25 section (a)(2) of such section 1176 shall be treated

1 as a reference to ‘this subsection (including as ap-  
2 plied pursuant to section 543(f) of the Public Health  
3 Service Act)’; and

4 “(2) in subsection (b) of such section 1176—

5 “(A) each reference to ‘a penalty imposed  
6 under subsection (a)’ shall be treated as a ref-  
7 erence to ‘a penalty imposed under subsection  
8 (a) (including as applied pursuant to section  
9 543(f) of the Public Health Service Act)’; and

10 “(B) each reference to ‘no damages ob-  
11 tained under subsection (d)’ shall be treated as  
12 a reference to ‘no damages obtained under sub-  
13 section (d) (including as applied pursuant to  
14 section 543(f) of the Public Health Service  
15 Act)’.”.

16 (g) ANTIDISCRIMINATION.—Section 543 of the Public  
17 Health Service Act (42 U.S.C. 290dd-2) is amended by  
18 inserting after subsection (h) the following:

19 “(i) ANTIDISCRIMINATION.—

20 “(1) IN GENERAL.—No entity shall discrimi-  
21 nate against an individual on the basis of informa-  
22 tion received by such entity pursuant to an inad-  
23 vertent or intentional disclosure of records, or infor-  
24 mation contained in records, described in subsection  
25 (a) in—

1           “(A) admission, access to, or treatment for  
2 health care;

3           “(B) hiring, firing, or terms of employ-  
4 ment, or receipt of worker’s compensation;

5           “(C) the sale, rental, or continued rental of  
6 housing;

7           “(D) access to Federal, State, or local  
8 courts; or

9           “(E) access to, approval of, or mainte-  
10 nance of social services and benefits provided or  
11 funded by Federal, State, or local governments.

12           “(2) RECIPIENTS OF FEDERAL FUNDS.—No re-  
13 cipient of Federal funds shall discriminate against  
14 an individual on the basis of information received by  
15 such recipient pursuant to an intentional or inad-  
16 vertent disclosure of such records or information  
17 contained in records described in subsection (a) in  
18 affording access to the services provided with such  
19 funds.”.

20           (h) NOTIFICATION IN CASE OF BREACH.—Section  
21 543 of the Public Health Service Act (42 U.S.C. 290dd–  
22 2), as amended by subsection (g), is further amended by  
23 inserting after subsection (i) the following:

24           “(j) NOTIFICATION IN CASE OF BREACH.—The pro-  
25 visions of section 13402 of the HITECH Act (42 U.S.C.

1 17932) shall apply to a program or activity described in  
2 subsection (a), in case of a breach of records described  
3 in subsection (a), to the same extent and in the same man-  
4 ner as such provisions apply to a covered entity in the  
5 case of a breach of unsecured protected health informa-  
6 tion.”.

7 (i) REGULATIONS.—

8 (1) IN GENERAL.—The Secretary of Health and  
9 Human Services, in consultation with appropriate  
10 Federal agencies, shall make such revisions to regu-  
11 lations as may be necessary for implementing and  
12 enforcing the amendments made by this section,  
13 such that such amendments shall apply with respect  
14 to uses and disclosures of information occurring on  
15 or after the date that is 12 months after the date  
16 of enactment of this Act.

17 (2) EASILY UNDERSTANDABLE NOTICE OF PRI-  
18 VACY PRACTICES.—Not later than 1 year after the  
19 date of enactment of this Act, the Secretary of  
20 Health and Human Services, in consultation with  
21 appropriate legal, clinical, privacy, and civil rights  
22 experts, shall update section 164.520 of title 45,  
23 Code of Federal Regulations, so that covered entities  
24 and entities creating or maintaining the records de-  
25 scribed in subsection (a) provide notice, written in

1 plain language, of privacy practices regarding pa-  
2 tient records referred to in section 543(a) of the  
3 Public Health Service Act (42 U.S.C. 290dd-2(a)),  
4 including—

5 (A) a statement of the patient’s rights, in-  
6 cluding self-pay patients, with respect to pro-  
7 tected health information and a brief descrip-  
8 tion of how the individual may exercise these  
9 rights (as required by subsection (b)(1)(iv) of  
10 such section 164.520); and

11 (B) a description of each purpose for  
12 which the covered entity is permitted or re-  
13 quired to use or disclose protected health infor-  
14 mation without the patient’s written authoriza-  
15 tion (as required by subsection (b)(2) of such  
16 section 164.520).

17 (j) RULES OF CONSTRUCTION.—Nothing in this Act  
18 or the amendments made by this Act shall be construed  
19 to limit—

20 (1) a patient’s right, as described in section  
21 164.522 of title 45, Code of Federal Regulations, or  
22 any successor regulation, to request a restriction on  
23 the use or disclosure of a record referred to in sec-  
24 tion 543(a) of the Public Health Service Act (42

1 U.S.C. 290dd–2(a)) for purposes of treatment, pay-  
2 ment, or health care operations; or

3 (2) a covered entity’s choice, as described in  
4 section 164.506 of title 45, Code of Federal Regula-  
5 tions, or any successor regulation, to obtain the con-  
6 sent of the individual to use or disclose a record re-  
7 ferred to in such section 543(a) to carry out treat-  
8 ment, payment, or health care operation.

9 (k) SENSE OF CONGRESS.—It is the sense of the  
10 Congress that—

11 (1) any person treating a patient through a  
12 program or activity with respect to which the con-  
13 fidentiality requirements of section 543 of the Public  
14 Health Service Act (42 U.S.C. 290dd–2) apply is en-  
15 couraged to access the applicable State-based pre-  
16 scription drug monitoring program when clinically  
17 appropriate;

18 (2) patients have the right to request a restric-  
19 tion on the use or disclosure of a record referred to  
20 in section 543(a) of the Public Health Service Act  
21 (42 U.S.C. 290dd–2(a)) for treatment, payment, or  
22 health care operations;

23 (3) covered entities should make every reason-  
24 able effort to the extent feasible to comply with a



1 patient's request for a restriction regarding such use  
2 or disclosure;

3 (4) for purposes of applying section 164.501 of  
4 title 45, Code of Federal Regulations, the definition  
5 of health care operations shall have the meaning  
6 given such term in such section, except that clause  
7 (v) of paragraph (6) shall not apply; and

8 (5) programs creating records referred to in  
9 section 543(a) of the Public Health Service Act (42  
10 U.S.C. 290dd-2(a)) should receive positive incen-  
11 tives for discussing with their patients the benefits  
12 to consenting to share such records.

13 **SEC. 3222. NUTRITION SERVICES.**

14 (a) DEFINITIONS.—In this section, the terms “As-  
15 sistant Secretary”, “Secretary”, “State agency”, and  
16 “area agency on aging” have the meanings given the  
17 terms in section 102 of the Older Americans Act of 1965  
18 (42 U.S.C. 3002).

19 (b) NUTRITION SERVICES TRANSFER CRITERIA.—  
20 During any portion of the COVID-19 public health emer-  
21 gency declared under section 319 of the Public Health  
22 Service Act (42 U.S.C. 247d), the Secretary shall allow  
23 a State agency or an area agency on aging, without prior  
24 approval, to transfer not more than 100 percent of the  
25 funds received by the State agency or area agency on

1 aging, respectively, and attributable to funds appropriated  
2 under paragraph (1) or (2) of section 303(b) of the Older  
3 Americans Act of 1965 (42 U.S.C. 3023(b)), between sub-  
4 part 1 and subpart 2 of part C (42 U.S.C. 3030d–2 et  
5 seq.) for such use as the State agency or area agency on  
6 aging, respectively, considers appropriate to meet the  
7 needs of the State or area served.

8 (c) HOME-DELIVERED NUTRITION SERVICES WAIV-  
9 ER.—For purposes of State agencies’ determining the de-  
10 livery of nutrition services under section 337 of the Older  
11 Americans Act of 1965 (42 U.S.C. 3030g), during the pe-  
12 riod of the COVID–19 public health emergency declared  
13 under section 319 of the Public Health Service Act (42  
14 U.S.C. 247d), the same meaning shall be given to an indi-  
15 vidual who is unable to obtain nutrition because the indi-  
16 vidual is practicing social distancing due to the emergency  
17 as is given to an individual who is homebound by reason  
18 of illness.

19 (d) DIETARY GUIDELINES WAIVER.—To facilitate  
20 implementation of subparts 1 and 2 of part C of title III  
21 of the Older Americans Act of 1965 (42 U.S.C. 3030d–  
22 2 et seq.) during any portion of the COVID–19 public  
23 health emergency declared under section 319 of the Public  
24 Health Service Act (42 U.S.C. 247d), the Assistant Sec-  
25 retary may waive the requirements for meals provided

1 under those subparts to comply with the requirements of  
2 clauses (i) and (ii) of section 339(2)(A) of such Act (42  
3 U.S.C. 3030g–21(2)(A)).

4 **SEC. 3223. CONTINUITY OF SERVICE AND OPPORTUNITIES**  
5 **FOR PARTICIPANTS IN COMMUNITY SERVICE**  
6 **ACTIVITIES UNDER TITLE V OF THE OLDER**  
7 **AMERICANS ACT OF 1965.**

8 To ensure continuity of service and opportunities for  
9 participants in community service activities under title V  
10 of the Older Americans Act of 1965 (42 U.S.C. 3056 et  
11 seq.), the Secretary of Labor—

12 (1)(A) may allow individuals participating in  
13 projects under such title as of March 1, 2020, to ex-  
14 tend their participation for a period that exceeds the  
15 period described in section 518(a)(3)(B)(i) of such  
16 Act (42 U.S.C. 3056p(a)(3)(B)(i)) if the Secretary  
17 determines such extension is appropriate due to the  
18 effects of the COVID–19 public health emergency  
19 declared under section 319 of the Public Health  
20 Service Act (42 U.S.C. 247d); and

21 (B) may increase the average participation cap  
22 for eligible individuals applicable to grantees as de-  
23 scribed in section 502(b)(1)(C) of the Older Ameri-  
24 cans Act of 1965 (42 U.S.C. 3056(b)(1)(C)) to a  
25 cap the Secretary determines is appropriate due to

1 the effects of the COVID–19 public health emer-  
2 gency declared under section 319 of the Public  
3 Health Service Act (42 U.S.C. 247d); and

4 (2) may increase the amount available to pay  
5 the authorized administrative costs for a project, de-  
6 scribed in section 502(c)(3) of the Older Americans  
7 Act of 1965 (42 U.S.C. 3056(c)(3)) to an amount  
8 not to exceed 20 percent of the grant amount if the  
9 Secretary determines that such increase is necessary  
10 to adequately respond to the additional administra-  
11 tive needs to respond to the COVID–19 public  
12 health emergency declared under section 319 of the  
13 Public Health Service Act (42 U.S.C. 247d).

14 **SEC. 3224. GUIDANCE ON PROTECTED HEALTH INFORMA-**  
15 **TION.**

16 Not later than 180 days after the date of enactment  
17 of this Act, the Secretary of Health and Human Services  
18 shall issue guidance on the sharing of patients’ protected  
19 health information pursuant to section 160.103 of title 45,  
20 Code of Federal Regulations (or any successor regula-  
21 tions) during the public health emergency declared by the  
22 Secretary of Health and Human Services under section  
23 319 of the Public Health Service Act (42 U.S.C. 247d)  
24 with respect to COVID-19, during the emergency involv-  
25 ing Federal primary responsibility determined to exist by

1 the President under section 501(b) of the Robert T. Staf-  
2 ford Disaster Relief and Emergency Assistance Act (42  
3 U.S.C. 5191(b)) with respect to COVID-19, and during  
4 the national emergency declared by the President under  
5 the National Emergencies Act (50 U.S.C. 1601 et seq.)  
6 with respect to COVID-19. Such guidance shall include  
7 information on compliance with the regulations promul-  
8 gated pursuant to section 264(c) of the Health Insurance  
9 Portability and Accountability Act of 1996 (42 U.S.C.  
10 1320d–2 note) and applicable policies, including such poli-  
11 cies that may come into effect during such emergencies.

12 **SEC. 3225. REAUTHORIZATION OF HEALTHY START PRO-**  
13 **GRAM.**

14 Section 330H of the Public Health Service Act (42  
15 U.S.C. 254e–8) is amended—

16 (1) in subsection (a)—

17 (A) in paragraph (1), by striking “, during  
18 fiscal year 2001 and subsequent years,”; and

19 (B) in paragraph (2), by inserting “or in-  
20 creasing above the national average” after  
21 “areas with high”;

22 (2) in subsection (b)—

23 (A) in paragraph (1), by striking “con-  
24 sumers of project services, public health depart-  
25 ments, hospitals, health centers under section

1           330” and inserting “participants and former  
2 participants of project services, public health  
3 departments, hospitals, health centers under  
4 section 330, State substance abuse agencies”;  
5 and

6           (B) in paragraph (2)—

7           (i) in subparagraph (A), by striking  
8 “such as low birthweight” and inserting  
9 “including poor birth outcomes (such as  
10 low birthweight and preterm birth) and so-  
11 cial determinants of health”;

12           (ii) by redesignating subparagraph  
13 (B) as subparagraph (C);

14           (iii) by inserting after subparagraph  
15 (A), the following:

16           “(B) Communities with—

17           “(i) high rates of infant mortality or  
18 poor perinatal outcomes; or

19           “(ii) high rates of infant mortality or  
20 poor perinatal outcomes in specific sub-  
21 populations within the community.”; and

22           (iv) in subparagraph (C) (as so red-  
23 igned)—

1 (I) by redesignating clauses (i)  
2 and (ii) as clauses (ii) and (iii), re-  
3 spectively;

4 (II) by inserting before clause (ii)  
5 (as so redesignated) the following:

6 “(i) collaboration with the local com-  
7 munity in the development of the project;”;

8 (III) in clause (ii) (as so redesign-  
9 ated), by striking “and” at the end;

10 (IV) in clause (iii) (as so redesign-  
11 ated), by striking the period and in-  
12 serting “; and”; and

13 (V) by adding at the end the fol-  
14 lowing:

15 “(iv) the use and collection of data  
16 demonstrating the effectiveness of such  
17 program in decreasing infant mortality  
18 rates and improving perinatal outcomes, as  
19 applicable, or the process by which new ap-  
20 plicants plan to collect this data.”;

21 (3) in subsection (c)—

22 (A) by striking “Recipients of grants” and  
23 inserting the following:

24 “(1) IN GENERAL.—Recipients of grants”; and

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

1           “(2) OTHER PROGRAMS.—The Secretary shall  
2           ensure coordination of the program carried out pur-  
3           suant to this section with other programs and activi-  
4           ties related to the reduction of the rate of infant  
5           mortality and improved perinatal and infant health  
6           outcomes supported by the Department.”;

7           (4) in subsection (e)—

8                   (A) in paragraph (1), by striking “appro-  
9                   priated—” and all that follows through the end  
10                  and inserting “appropriated \$125,500,000 for  
11                  each of fiscal years 2021 through 2025.”; and

12                  (B) in paragraph (2)(B), by adding at the  
13                  end the following: “Evaluations may also in-  
14                  clude, to the extent practicable, information re-  
15                  lated to—

16                          “(i) progress toward achieving any  
17                          grant metrics or outcomes related to re-  
18                          ducing infant mortality rates, improving  
19                          perinatal outcomes, or reducing the dis-  
20                          parity in health status;

21                          “(ii) recommendations on potential  
22                          improvements that may assist with ad-  
23                          dressing gaps, as applicable and appro-  
24                          priate; and



1                   “(iii) the extent to which the grantee  
2                   coordinated with the community in which  
3                   the grantee is located in the development  
4                   of the project and delivery of services, in-  
5                   cluding with respect to technical assistance  
6                   and mentorship programs.”; and

7                   (5) by adding at the end the following:

8                   “(f) GAO REPORT.—

9                   “(1) IN GENERAL.—Not later than 4 years  
10                  after the date of the enactment of this subsection,  
11                  the Comptroller General of the United States shall  
12                  conduct an independent evaluation, and submit to  
13                  the appropriate Committees of Congress a report,  
14                  concerning the Healthy Start program under this  
15                  section.

16                  “(2) EVALUATION.—In conducting the evalua-  
17                  tion under paragraph (1), the Comptroller General  
18                  shall consider, as applicable and appropriate, infor-  
19                  mation from the evaluations under subsection  
20                  (e)(2)(B).

21                  “(3) REPORT.—The report described in para-  
22                  graph (1) shall review, assess, and provide rec-  
23                  ommendations, as appropriate, on the following:

24                          “(A) The allocation of Healthy Start pro-  
25                          gram grants by the Health Resources and Serv-

1           ices Administration, including considerations  
2           made by such Administration regarding dispari-  
3           ties in infant mortality or perinatal outcomes  
4           among urban and rural areas in making such  
5           awards.

6                   “(B) Trends in the progress made toward  
7           meeting the evaluation criteria pursuant to sub-  
8           section (e)(2)(B), including programs which de-  
9           crease infant mortality rates and improve  
10          perinatal outcomes, programs that have not de-  
11          creased infant mortality rates or improved  
12          perinatal outcomes, and programs that have  
13          made an impact on disparities in infant mor-  
14          tality or perinatal outcomes.

15                   “(C) The ability of grantees to improve  
16          health outcomes for project participants, pro-  
17          mote the awareness of the Healthy Start pro-  
18          gram services, incorporate and promote family  
19          participation, facilitate coordination with the  
20          community in which the grantee is located, and  
21          increase grantee accountability through quality  
22          improvement, performance monitoring, evalua-  
23          tion, and the effect such metrics may have to-  
24          ward decreasing the rate of infant mortality  
25          and improving perinatal outcomes.

1           “(D) The extent to which such Federal  
2           programs are coordinated across agencies and  
3           the identification of opportunities for improved  
4           coordination in such Federal programs and ac-  
5           tivities.”.

6 **SEC. 3226. IMPORTANCE OF THE BLOOD SUPPLY.**

7           (a) IN GENERAL.—The Secretary of Health and  
8           Human Services (referred to in this section as the “Sec-  
9           retary”) shall carry out a national campaign to improve  
10          awareness of, and support outreach to, the public and  
11          health care providers about the importance and safety of  
12          blood donation and the need for donations for the blood  
13          supply during the public health emergency declared by the  
14          Secretary under section 319 of the Public Health Service  
15          Act (42 U.S.C. 247d) with respect to COVID-19.

16          (b) AWARENESS CAMPAIGN.—In carrying out sub-  
17          section (a), the Secretary may enter into contracts with  
18          one or more public or private nonprofit entities, to estab-  
19          lish a national blood donation awareness campaign that  
20          may include television, radio, internet, and newspaper  
21          public service announcements, and other activities to pro-  
22          vide for public and professional awareness and education.

23          (c) CONSULTATION.—In carrying out subsection (a),  
24          the Secretary shall consult with the Commissioner of Food  
25          and Drugs, the Assistant Secretary for Health, the Direc-

1 tor of the Centers for Disease Control and Prevention, the  
2 Director of the National Institutes of Health, and the  
3 heads of other relevant Federal agencies, and relevant ac-  
4 crediting bodies and representative organizations.

5 (d) REPORT TO CONGRESS.—Not later than 2 years  
6 after the date of enactment of this Act, the Secretary shall  
7 submit to the Committee on Health, Education, Labor,  
8 and Pensions of the Senate and the Committee on Energy  
9 and Commerce of the House of Representatives, a report  
10 that shall include—

11 (1) a description of the activities carried out  
12 under subsection (a);

13 (2) a description of trends in blood supply do-  
14 nations; and

15 (3) an evaluation of the impact of the public  
16 awareness campaign, including any geographic or  
17 population variations.

18 **PART III—INNOVATION**

19 **SEC. 3301. REMOVING THE CAP ON OTA DURING PUBLIC**  
20 **HEALTH EMERGENCIES.**

21 Section 319L(c)(5)(A) of the Public Health Service  
22 Act (42 U.S.C. 247d–7e(c)(5)(A)) is amended—

23 (1) by redesignating clause (iii) as clause (iv);  
24 and

25 (2) by inserting after clause (ii) the following:

1                   “(ii) AUTHORITY DURING A PUBLIC  
2 HEALTH EMERGENCY.—

3                   “(I) IN GENERAL.—Notwith-  
4 standing clause (ii), the Secretary,  
5 shall, to the maximum extent prac-  
6 ticable, use competitive procedures  
7 when entering into transactions to  
8 carry out projects under this sub-  
9 section for purposes of a public health  
10 emergency declared by the Secretary  
11 under section 319. Any such trans-  
12 actions entered into during such pub-  
13 lic health emergency shall not be ter-  
14 minated solely due to the expiration of  
15 such public health emergency, if such  
16 public health emergency ends before  
17 the completion of the terms of such  
18 agreement.

19                   “(II) REPORT.—After the expira-  
20 tion of the public health emergency  
21 declared by the Secretary under sec-  
22 tion 319, the Secretary shall provide a  
23 report to the Committee on Health,  
24 Education, Labor, and Pensions of  
25 the Senate and the Committee on En-

1                   ergy and Commerce of the House of  
2                   Representatives regarding the use of  
3                   any funds pursuant to the authority  
4                   under subclause (I), including any  
5                   outcomes, benefits, and risks associ-  
6                   ated with the use of such funds, and  
7                   a description of the reasons for the  
8                   use of such authority for the project  
9                   or projects.”.

10 **SEC. 3302. PRIORITY ZONOTIC ANIMAL DRUGS.**

11           Chapter V of the Federal Food, Drug, and Cosmetic  
12 Act (21 U.S.C. 351 et seq.) is amended by inserting after  
13 section 512 the following:

14 **“SEC. 512A. PRIORITY ZONOTIC ANIMAL DRUGS.**

15           “(a) IN GENERAL.—The Secretary shall, at the re-  
16 quest of the sponsor intending to submit an application  
17 for approval of a new animal drug under section 512(b)(1)  
18 or an application for conditional approval of a new animal  
19 drug under section 571, expedite the development and re-  
20 view of such new animal drug if preliminary clinical evi-  
21 dence indicates that the new animal drug, alone or in com-  
22 bination with 1 or more other animal drugs, has the poten-  
23 tial to prevent or treat a zoonotic disease in animals, in-  
24 cluding a vector borne-disease, that has the potential to

1 cause serious adverse health consequences for, or serious  
2 or life-threatening diseases in, humans.

3 “(b) REQUEST FOR DESIGNATION.—The sponsor of  
4 a new animal drug may request the Secretary to designate  
5 a new animal drug described in subsection (a) as a priority  
6 zoonotic animal drug. A request for the designation may  
7 be made concurrently with, or at any time after, the open-  
8 ing of an investigational new animal drug file under sec-  
9 tion 512(j) or the filing of an application under section  
10 512(b)(1) or 571.

11 “(c) DESIGNATION.—

12 “(1) IN GENERAL.—Not later than 60 calendar  
13 days after the receipt of a request under subsection  
14 (b), the Secretary shall determine whether the new  
15 animal drug that is the subject of the request meets  
16 the criteria described in subsection (a). If the Sec-  
17 retary determines that the new animal drug meets  
18 the criteria, the Secretary shall designate the new  
19 animal drug as a priority zoonotic animal drug and  
20 shall take such actions as are appropriate to expe-  
21 dite the development and review of the application  
22 for approval or conditional approval of such new ani-  
23 mal drug.

1           “(2) ACTIONS.—The actions to expedite the de-  
2           velopment and review of an application under para-  
3           graph (1) may include, as appropriate—

4                   “(A) taking steps to ensure that the design  
5                   of clinical trials is as efficient as practicable,  
6                   when scientifically appropriate, such as by uti-  
7                   lizing novel trial designs or drug development  
8                   tools (including biomarkers) that may reduce  
9                   the number of animals needed for studies;

10                   “(B) providing timely advice to, and inter-  
11                   active communication with, the sponsor (which  
12                   may include meetings with the sponsor and re-  
13                   view team) regarding the development of the  
14                   new animal drug to ensure that the develop-  
15                   ment program to gather the nonclinical and  
16                   clinical data necessary for approval is as effi-  
17                   cient as practicable;

18                   “(C) involving senior managers and review  
19                   staff with experience in zoonotic or vector-borne  
20                   disease to facilitate collaborative, cross-discipli-  
21                   nary review, including, as appropriate, across  
22                   agency centers; and

23                   “(D) implementing additional administra-  
24                   tive or process enhancements, as necessary, to



1 facilitate an efficient review and development  
2 program.”.

3 **PART IV—HEALTH CARE WORKFORCE**

4 **SEC. 3401. REAUTHORIZATION OF HEALTH PROFESSIONS**  
5 **WORKFORCE PROGRAMS.**

6 Title VII of the Public Health Service Act (42 U.S.C.  
7 292 et seq.) is amended—

8 (1) in section 736 (42 U.S.C. 293), by striking  
9 subsection (i) and inserting the following:

10 “(i) AUTHORIZATION OF APPROPRIATIONS.—To  
11 carry out this section, there is authorized to be appro-  
12 priated \$23,711,000 for each of fiscal years 2021 through  
13 2025.”;

14 (2) in section 740 (42 U.S.C. 293d)—

15 (A) in subsection (a), by striking  
16 “\$51,000,000 for fiscal year 2010, and such  
17 sums as may be necessary for each of the fiscal  
18 years 2011 through 2014” and inserting  
19 “\$51,470,000 for each of fiscal years 2021  
20 through 2025”;

21 (B) in subsection (b), by striking  
22 “\$5,000,000 for each of the fiscal years 2010  
23 through 2014” and inserting “\$1,190,000 for  
24 each of fiscal years 2021 through 2025”;



1                   trains primary care physicians on such  
2                   models and”; and

3                   (ii) by adding at the end the fol-  
4                   lowing:

5                   “(3) PRIORITIES IN MAKING AWARDS.—In  
6                   awarding grants or contracts under paragraph (1),  
7                   the Secretary may give priority to qualified appli-  
8                   cants that train residents in rural areas, including  
9                   for Tribes or Tribal Organizations in such areas.”;

10                  (B) in subsection (b)(3)(E), by striking  
11                  “substance-related disorders” and inserting  
12                  “substance use disorders”; and

13                  (C) in subsection (c)(1), by striking  
14                  “\$125,000,000 for fiscal year 2010, and such  
15                  sums as may be necessary for each of fiscal  
16                  years 2011 through 2014” and inserting  
17                  “\$48,924,000 for each of fiscal years 2021  
18                  through 2025”;

19                  (4) in section 748 (42 U.S.C. 293k-2)—

20                  (A) in subsection (c)(5), by striking “sub-  
21                  stance-related disorders” and inserting “sub-  
22                  stance use disorders”; and

23                  (B) in subsection (f), by striking  
24                  “\$30,000,000 for fiscal year 2010 and such  
25                  sums as may be necessary for each of fiscal

1           years 2011 through 2015” and inserting  
2           “\$28,531,000 for each of fiscal years 2021  
3           through 2025”;

4           (5) in section 749(d)(2) (42 U.S.C. 293l(d)(2)),  
5           by striking “Committee on Labor and Human Re-  
6           sources of the Senate, and the Committee on Com-  
7           merce of the House of Representatives” and insert-  
8           ing “Committee on Health, Education, Labor, and  
9           Pensions of the Senate, and the Committee on En-  
10          ergy and Commerce of the House of Representa-  
11          tives”;

12          (6) in section 751(j)(1) (42 U.S.C. 294a(j)(1)),  
13          by striking “\$125,000,000 for each of the fiscal  
14          years 2010 through 2014” and inserting  
15          “\$41,250,000 for each of fiscal years 2021 through  
16          2025”;

17          (7) in section 754(b)(1)(A) (42 U.S.C.  
18          294d(b)(1)(A)), by striking “new and innovative”  
19          and inserting “innovative or evidence-based”;

20          (8) in section 755(b)(1)(A) (42 U.S.C.  
21          294e(b)(1)(A)), by striking “the elderly” and insert-  
22          ing “geriatric populations or for maternal and child  
23          health”;

24          (9) in section 761(e) (42 U.S.C. 294n(e))—

1 (A) in paragraph (1)(A), by striking  
2 “\$7,500,000 for each of fiscal years 2010  
3 through 2014” and inserting “\$5,663,000 for  
4 each of fiscal years 2021 through 2025”; and

5 (B) in paragraph (2), by striking “sub-  
6 section (a)” and inserting “paragraph (1)”;  
7 (10) in section 762 (42 U.S.C. 294o)—

8 (A) in subsection (a)(1), by striking “Com-  
9 mittee on Labor and Human Resources” and  
10 inserting “Committee on Health, Education,  
11 Labor, and Pensions”;

12 (B) in subsection (b)—

13 (i) in paragraph (2), by striking  
14 “Health Care Financing Administration”  
15 and inserting “Centers for Medicare &  
16 Medicaid Services”;

17 (ii) by redesignating paragraphs (4)  
18 through (6) as paragraphs (5) through (7),  
19 respectively; and

20 (iii) by inserting after paragraph (3),  
21 the following:

22 “(4) the Administrator of the Health Resources  
23 and Services Administration;”;

24 (C) by striking subsections (i), (j), and (k)  
25 and inserting the following:

1       “(i) REPORTS.—Not later than September 30, 2023,  
2 and not less than every 5 years thereafter, the Council  
3 shall submit to the Secretary, and to the Committee on  
4 Health, Education, Labor, and Pensions of the Senate and  
5 the Committee on Energy and Commerce of the House  
6 of Representatives, a report on the recommendations de-  
7 scribed in subsection (a).”; and

8               (D) by redesignating subsection (l) as sub-  
9               section (j);

10           (11) in section 766(b)(1) (42 U.S.C.  
11 295a(b)(1)), by striking “that plans” and all that  
12 follows through the period and inserting “that plans,  
13 develops, operates, and evaluates projects to improve  
14 preventive medicine, health promotion and disease  
15 prevention, or access to and quality of health care  
16 services in rural or medically underserved commu-  
17 nities.”;

18           (12) in section 770(a) (42 U.S.C. 295e(a)), by  
19 striking “\$43,000,000 for fiscal year 2011, and such  
20 sums as may be necessary for each of the fiscal  
21 years 2012 through 2015” and inserting  
22 “\$17,000,000 for each of fiscal years 2021 through  
23 2025”; and

24           (13) in section 775(e) (42 U.S.C. 295f(e)), by  
25 striking “\$30,000,000” and all that follows through

1 the period and inserting “such sums as may be nec-  
2 essary for each of fiscal years 2021 through 2025.”.

3 **SEC. 3402. HEALTH WORKFORCE COORDINATION.**

4 (a) STRATEGIC PLAN.—

5 (1) IN GENERAL.—Not later than 1 year after  
6 the date of enactment of this Act, the Secretary of  
7 Health and Human Services (referred to in this Act  
8 as the “Secretary”), in consultation with the Advi-  
9 sory Committee on Training in Primary Care Medi-  
10 cine and Dentistry and the Advisory Council on  
11 Graduate Medical Education, shall develop a com-  
12 prehensive and coordinated plan with respect to the  
13 health care workforce development programs of the  
14 Department of Health and Human Services, includ-  
15 ing education and training programs.

16 (2) REQUIREMENTS.—The plan under para-  
17 graph (1) shall—

18 (A) include performance measures to de-  
19 termine the extent to which the programs de-  
20 scribed in paragraph (1) are strengthening the  
21 Nation’s health care system;

22 (B) identify any gaps that exist between  
23 the outcomes of programs described in para-  
24 graph (1) and projected health care workforce  
25 needs identified in workforce projection reports

1 conducted by the Health Resources and Serv-  
2 ices Administration;

3 (C) identify actions to address the gaps de-  
4 scribed in subparagraph (B); and

5 (D) identify barriers, if any, to imple-  
6 menting the actions identified under subpara-  
7 graph (C).

8 (b) COORDINATION WITH OTHER AGENCIES.—The  
9 Secretary shall coordinate with the heads of other Federal  
10 agencies and departments that fund or administer health  
11 care workforce development programs, including education  
12 and training programs, to—

13 (1) evaluate the performance of such programs,  
14 including the extent to which such programs are effi-  
15 cient and effective and are meeting the nation’s  
16 health workforce needs; and

17 (2) identify opportunities to improve the quality  
18 and consistency of the information collected to evalu-  
19 ate within and across such programs, and to imple-  
20 ment such improvements.

21 (c) REPORT.—Not later than 2 years after the date  
22 of enactment of this Act, the Secretary shall submit to  
23 the Committee on Health, Education, Labor, and Pen-  
24 sions of the Senate, and the Committee on Energy and  
25 Commerce of the House of Representatives, a report de-



1 scribing the plan developed under subsection (a) and ac-  
2 tions taken to implement such plan.

3 **SEC. 3403. EDUCATION AND TRAINING RELATING TO GERI-**  
4 **ATRICS.**

5 Section 753 of the Public Health Service Act (42  
6 U.S.C. 294e) is amended to read as follows:

7 **“SEC. 753. EDUCATION AND TRAINING RELATING TO GERI-**  
8 **ATRICS.**

9 “(a) GERIATRICS WORKFORCE ENHANCEMENT PRO-  
10 GRAM.—

11 “(1) IN GENERAL.—The Secretary shall award  
12 grants, contracts, or cooperative agreements under  
13 this subsection to entities described in paragraph  
14 (1), (3), or (4) of section 799B, section 801(2), or  
15 section 865(d), or other health professions schools or  
16 programs approved by the Secretary, for the estab-  
17 lishment or operation of Geriatrics Workforce En-  
18 hancement Programs that meet the requirements of  
19 paragraph (2).

20 “(2) REQUIREMENTS.—

21 “(A) IN GENERAL.—A Geriatrics Work-  
22 force Enhancement Program receiving an  
23 award under this section shall support the  
24 training of health professionals in geriatrics, in-  
25 cluding traineeships or fellowships. Such pro-

1           grams shall emphasize, as appropriate, patient  
2           and family engagement, integration of geriatrics  
3           with primary care and other appropriate spe-  
4           cialties, and collaboration with community part-  
5           ners to address gaps in health care for older  
6           adults.

7           “(B) ACTIVITIES.—Activities conducted by  
8           a program under this section may include the  
9           following:

10                   “(i) Clinical training on providing in-  
11                   tegrated geriatrics and primary care deliv-  
12                   ery services.

13                   “(ii) Interprofessional training to  
14                   practitioners from multiple disciplines and  
15                   specialties, including training on the provi-  
16                   sion of care to older adults.

17                   “(iii) Establishing or maintaining  
18                   training-related community-based pro-  
19                   grams for older adults and caregivers to  
20                   improve health outcomes for older adults.

21                   “(iv) Providing education on Alz-  
22                   heimer’s disease and related dementias to  
23                   families and caregivers of older adults, di-  
24                   rect care workers, and health professions  
25                   students, faculty, and providers.



1                   “(iii) may give priority to any pro-  
2                   gram that—

3                   “(I) integrates geriatrics into pri-  
4                   mary care practice;

5                   “(II) provides training to inte-  
6                   grate geriatric care into other special-  
7                   ties across care settings, including  
8                   practicing clinical specialists, health  
9                   care administrators, faculty without  
10                  backgrounds in geriatrics, and stu-  
11                  dents from all health professions;

12                  “(III) emphasizes integration of  
13                  geriatric care into existing service de-  
14                  livery locations and care across set-  
15                  tings, including primary care clinics,  
16                  medical homes, Federally qualified  
17                  health centers, ambulatory care clin-  
18                  ics, critical access hospitals, emer-  
19                  gency care, assisted living and nursing  
20                  facilities, and home- and community-  
21                  based services, which may include  
22                  adult daycare;

23                  “(IV) supports the training and  
24                  retraining of faculty, primary care  
25                  providers, other direct care providers,

1 and other appropriate professionals on  
2 geriatrics;

3 “(V) emphasizes education and  
4 engagement of family caregivers on  
5 disease management and strategies to  
6 meet the needs of caregivers of older  
7 adults; or

8 “(VI) proposes to conduct out-  
9 reach to communities that have a  
10 shortage of geriatric workforce profes-  
11 sionals.

12 “(B) SPECIAL CONSIDERATION.—In  
13 awarding grants, contracts, and cooperative  
14 agreements under this section, the Secretary  
15 shall give special consideration to entities that  
16 provide services in areas with a shortage of  
17 geriatric workforce professionals.

18 “(6) PRIORITY.—The Secretary may provide  
19 awardees with additional support for activities in  
20 areas of demonstrated need, which may include edu-  
21 cation and training for home health workers, family  
22 caregivers, and direct care workers on care for older  
23 adults.

24 “(7) REPORTING.—

1           “(A) REPORTS FROM ENTITIES.—Each en-  
2           tity awarded a grant, contract, or cooperative  
3           agreement under this section shall submit an  
4           annual report to the Secretary on the activities  
5           conducted under such grant, contract, or coop-  
6           erative agreement, which may include informa-  
7           tion on the number of trainees, the number of  
8           professions and disciplines, the number of part-  
9           nerships with health care delivery sites, the  
10          number of faculty and practicing professionals  
11          who participated in such programs, and other  
12          information, as the Secretary may require.

13          “(B) REPORT TO CONGRESS.—Not later  
14          than 4 years after the date of enactment of the  
15          Title VII Health Care Workforce Reauthoriza-  
16          tion Act of 2019 and every 5 years thereafter,  
17          the Secretary shall submit to the Committee on  
18          Health, Education, Labor, and Pensions of the  
19          Senate and the Committee on Energy and Com-  
20          merce of the House of Representatives a report  
21          that provides a summary of the activities and  
22          outcomes associated with grants, contracts, and  
23          cooperative agreements made under this sec-  
24          tion. Such reports shall include—

1                   “(i) information on the number of  
2                   trainees, faculty, and professionals who  
3                   participated in programs under this sec-  
4                   tion;

5                   “(ii) information on the impact of the  
6                   program conducted under this section on  
7                   the health status of older adults, including  
8                   in areas with a shortage of health profes-  
9                   sionals; and

10                   “(iii) information on outreach and  
11                   education provided under this section to  
12                   families and caregivers of older adults.

13                   “(C) PUBLIC AVAILABILITY.—The Sec-  
14                   retary shall make reports submitted under  
15                   paragraph (B) publically available on the inter-  
16                   net website of the Department of Health and  
17                   Human Services.

18                   “(b) GERIATRIC ACADEMIC CAREER AWARDS.—

19                   “(1) ESTABLISHMENT OF PROGRAM.—The Sec-  
20                   retary shall, as appropriate, establish or maintain a  
21                   program to provide geriatric academic career awards  
22                   to eligible entities applying on behalf of eligible indi-  
23                   viduals to promote the career development of such  
24                   individuals as academic geriatricians or other aca-  
25                   demic geriatrics health professionals.

1 “(2) ELIGIBILITY.—

2 “(A) ELIGIBLE ENTITY.—For purposes of  
3 this subsection, the term ‘eligible entity’  
4 means—

5 “(i) an entity described in paragraph  
6 (1), (3), or (4) of section 799B or section  
7 801(2); or

8 “(ii) another accredited health profes-  
9 sions school or graduate program approved  
10 by the Secretary.

11 “(B) ELIGIBLE INDIVIDUAL.—For pur-  
12 poses of this subsection, the term ‘eligible indi-  
13 vidual’ means an individual who—

14 “(i)(I) is board certified or board eli-  
15 gible in internal medicine, family practice,  
16 psychiatry, or licensed dentistry, or has  
17 completed required training in a discipline  
18 and is employed in an accredited health  
19 professions school or graduate program  
20 that is approved by the Secretary; or

21 “(II) has completed an approved fel-  
22 lowship program in geriatrics, or has com-  
23 pleted specialty training in geriatrics as re-  
24 quired by the discipline and any additional



1                   geriatrics training as required by the Sec-  
2                   retary; and

3                   “(ii) has a junior, nontenured, faculty  
4                   appointment at an accredited health pro-  
5                   fessions school or graduate program in  
6                   geriatrics or a geriatrics health profession.

7                   “(C) CLARIFICATION.—If an eligible indi-  
8                   vidual is promoted during the period of an  
9                   award under this subsection and thereby no  
10                  longer meets the criteria of subparagraph  
11                  (B)(ii), the individual shall continue to be treat-  
12                  ed as an eligible individual through the term of  
13                  the award.

14                  “(3) APPLICATION REQUIREMENTS.—In order  
15                  to receive an award under paragraph (1), an eligible  
16                  entity, on behalf of an eligible individual, shall—

17                  “(A) submit to the Secretary an applica-  
18                  tion, at such time, in such manner, and con-  
19                  taining such information as the Secretary may  
20                  require;

21                  “(B) provide, in such form and manner as  
22                  the Secretary may require, assurances that the  
23                  eligible individual will meet the service require-  
24                  ment described in paragraph (6); and

1           “(C) provide, in such form and manner as  
2           the Secretary may require, assurances that the  
3           individual has a full-time faculty appointment  
4           in a health professions institution and docu-  
5           mented commitment from such eligible entity  
6           that the individual will spend 75 percent of the  
7           individual’s time that is supported by the award  
8           on teaching and developing skills in inter-  
9           disciplinary education in geriatrics.

10           “(4) **EQUITABLE DISTRIBUTION.**—In making  
11           awards under this subsection, the Secretary shall  
12           seek to ensure geographical distribution among  
13           award recipients, including among rural or medically  
14           underserved areas of the United States.

15           “(5) **AMOUNT AND DURATION.**—

16           “(A) **AMOUNT.**—The amount of an award  
17           under this subsection shall be at least \$75,000  
18           for fiscal year 2021, adjusted for subsequent  
19           years in accordance with the consumer price  
20           index. The Secretary shall determine the  
21           amount of an award under this subsection for  
22           individuals who are not physicians.

23           “(B) **DURATION.**—The Secretary shall  
24           make awards under paragraph (1) for a period  
25           not to exceed 5 years.

1           “(6) SERVICE REQUIREMENT.—An individual  
2           who receives an award under this subsection shall  
3           provide training in clinical geriatrics, including the  
4           training of interprofessional teams of health care  
5           professionals. The provision of such training shall  
6           constitute at least 75 percent of the obligations of  
7           such individual under the award.

8           “(c) NONAPPLICABILITY OF PROVISION.—Notwith-  
9           standing any other provision of this title, section 791(a)  
10          shall not apply to awards made under this section.

11          “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
12          is authorized to be appropriated \$40,737,000 for each of  
13          fiscal years 2021 through 2025 for purposes of carrying  
14          out this section.”.

15          **SEC. 3404. NURSING WORKFORCE DEVELOPMENT.**

16          (a) IN GENERAL.—Title VIII of the Public Health  
17          Service Act (42 U.S.C. 296 et seq.) is amended—

18                  (1) in section 801 (42 U.S.C. 296), by adding  
19                  at the end the following:

20                  “(18) NURSE MANAGED HEALTH CLINIC.—The  
21                  term ‘nurse managed health clinic’ means a nurse-  
22                  practice arrangement, managed by advanced practice  
23                  nurses, that provides primary care or wellness serv-  
24                  ices to underserved or vulnerable populations and  
25                  that is associated with a school, college, university or

1 department of nursing, federally qualified health  
2 center, or independent nonprofit health or social  
3 services agency.”;

4 (2) in section 802(c) (42 U.S.C. 296a(e)), by  
5 inserting “, and how such project aligns with the  
6 goals in section 806(a)” before the period in the sec-  
7 ond sentence;

8 (3) in section 803(b) (42 U.S.C. 296b(b)), by  
9 adding at the end the following: “Such Federal  
10 funds are intended to supplement, not supplant, ex-  
11 isting non-Federal expenditures for such activities.”;

12 (4) in section 806 (42 U.S.C. 296e)—

13 (A) in subsection (a), by striking “as need-  
14 ed to” and all that follows and inserting the fol-  
15 lowing: “as needed to address national nursing  
16 needs, including—

17 “(1) addressing challenges, including through  
18 supporting training and education of nursing stu-  
19 dents, related to the distribution of the nursing  
20 workforce and existing or projected nursing work-  
21 force shortages in geographic areas that have been  
22 identified as having, or that are projected to have,  
23 a nursing shortage;

24 “(2) increasing access to and the quality of  
25 health care services, including by supporting the

1 training of professional registered nurses, advanced  
2 practice registered nurses, and advanced education  
3 nurses within community based settings and in a va-  
4 riety of health delivery system settings; or

5 “(3) addressing the strategic goals and prior-  
6 ities identified by the Secretary and that are in ac-  
7 cordance with this title.

8 Contracts may be entered into under this title with public  
9 or private entities as determined necessary by the Sec-  
10 retary.”;

11 (B) in subsection (b)(2), by striking “a  
12 demonstration” and all that follows and insert-  
13 ing the following: “the reporting of data and in-  
14 formation demonstrating that satisfactory  
15 progress has been made by the program or  
16 project in meeting the performance outcome  
17 standards (as described in section 802) of such  
18 program or project.”;

19 (C) in subsection (e)(2), by inserting “,  
20 and have relevant expertise and experience” be-  
21 fore the period at the end of the first sentence;  
22 and

23 (D) by adding at the end the following:

24 “(i) BIENNIAL REPORT ON NURSING WORKFORCE  
25 PROGRAM IMPROVEMENTS.—Not later than September

1 30, 2020, and biennially thereafter, the Secretary shall  
2 submit to the Committee on Health, Education, Labor,  
3 and Pensions of the Senate and the Committee on Energy  
4 and Commerce of the House of Representatives, a report  
5 that contains an assessment of the programs and activities  
6 of the Department of Health and Human Services related  
7 to enhancing the nursing workforce, including the extent  
8 to which programs and activities under this title meet the  
9 identified goals and performance measures developed for  
10 the respective programs and activities, and the extent to  
11 which the Department coordinates with other Federal de-  
12 partments regarding programs designed to improve the  
13 nursing workforce.”;

14 (5) in section 811 (42 U.S.C. 296j)—

15 (A) in subsection (b)—

16 (i) by striking “Master’s” and insert-  
17 ing “graduate”; and

18 (ii) by inserting “clinical nurse lead-  
19 ers,” after “nurse administrators,”;

20 (B) by redesignating subsections (f) and  
21 (g) as subsections (g) and (h), respectively; and

22 (C) by inserting after subsection (e), the  
23 following:

24 “(f) AUTHORIZED CLINICAL NURSE SPECIALIST  
25 PROGRAMS.—Clinical nurse specialist programs eligible

1 for support under this section are education programs  
2 that—

3 “(1) provide registered nurses with full-time  
4 clinical nurse specialist education; and

5 “(2) have as their objective the education of  
6 clinical nurse specialists who will, upon completion  
7 of such a program, be qualified to effectively provide  
8 care through the wellness and illness continuum to  
9 inpatients and outpatients experiencing acute and  
10 chronic illness.”; and

11 (6) in section 831 (42 U.S.C. 296p)—

12 (A) in the section heading, by striking  
13 “**AND QUALITY GRANTS**” and inserting  
14 “**QUALITY, AND RETENTION GRANTS**”;

15 (B) in subsection (b)(2), by striking “other  
16 high-risk groups such as the elderly, individuals  
17 with HIV/AIDS, substance abusers, the home-  
18 less, and victims” and inserting “high risk  
19 groups, such as the elderly, individuals with  
20 HIV/AIDS, individuals with mental health or  
21 substance use disorders, individuals who are  
22 homeless, and survivors”;

23 (C) in subsection (c)(1)—

24 (i) in subparagraph (A)—

1 (I) by striking “advancement for  
2 nursing personnel” and inserting the  
3 following: “advancement for—  
4 “(i) nursing”;

5 (II) by striking “professional  
6 nurses, advanced education nurses, li-  
7 censed practical nurses, certified  
8 nurse assistants, and home health  
9 aides” and inserting “professional  
10 registered nurses, advanced practice  
11 registered nurses, and nurses with  
12 graduate nursing education”; and

13 (III) by adding at the end the  
14 following:

15 “(ii) individuals including licensed  
16 practical nurses, licensed vocational nurses,  
17 certified nurse assistants, home health  
18 aides, diploma degree or associate degree  
19 nurses, and other health professionals,  
20 such as health aides or community health  
21 practitioners certified under the Commu-  
22 nity Health Aide Program of the Indian  
23 Health Service, to become registered  
24 nurses with baccalaureate degrees or  
25 nurses with graduate nursing education;”;



1 (ii) in subparagraph (B), by striking  
2 the period and inserting “; and”; and

3 (iii) by adding at the end the fol-  
4 lowing:

5 “(C) developing and implementing intern-  
6 ships, accredited fellowships, and accredited  
7 residency programs in collaboration with one or  
8 more accredited schools of nursing, to encour-  
9 age the mentoring and development of special-  
10 ties.”;

11 (D) by striking subsections (e) and (h);

12 (E) by redesignating subsections (f) and  
13 (g), as subsections (e) and (f), respectively;

14 (F) in subsection (e) (as so redesignated),  
15 by striking “The Secretary shall submit to the  
16 Congress before the end of each fiscal year”  
17 and inserting “As part of the report on nursing  
18 workforce programs described in section 806(i),  
19 the Secretary shall include”; and

20 (G) in subsection (f) (as so redesignated),  
21 by striking “a school of nursing, as defined in  
22 section 801(2),” and inserting “an accredited  
23 school of nursing, as defined in section 801(2),  
24 a health care facility, including federally quali-  
25 fied health centers or nurse-managed health

1           clinics, or a partnership of such a school and  
2           facility”;

3           (7) by striking section 831A (42 U.S.C. 296p-  
4           1);

5           (8) in section 846 (42 U.S.C. 297n)—

6                 (A) by striking the last sentence of sub-  
7           section (a);

8                 (B) in subsection (b)(1), by striking “he  
9           began such practice” and inserting “the indi-  
10          vidual began such practice”; and

11                (C) in subsection (i), by striking “FUND-  
12          ING” in the subsection heading and all that fol-  
13          lows through “paragraph (1)” in paragraph (2),  
14          and inserting the following: “ALLOCATIONS.—  
15          Of the amounts appropriated under section  
16          871(b),”;

17           (9) in section 846A (42 U.S.C. 247n-1), by  
18          striking subsection (f);

19           (10) in section 847 (42 U.S.C. 297o), by strik-  
20          ing subsection (g);

21           (11) in section 851 (42 U.S.C. 297t)—

22                 (A) in subsection (b)(1)(A)(iv), by striking  
23          “and nurse anesthetists” and inserting “nurse  
24          anesthetists, and clinical nurse specialists”;

25                 (B) in subsection (d)(3)—

1 (i) by striking “3 years after the date  
2 of enactment of this section” and inserting  
3 “2 years after the date of enactment of the  
4 Title VIII Nursing Reauthorization Act”;

5 (ii) by striking “Labor and Human  
6 Resources” and inserting “Health, Edu-  
7 cation, Labor, and Pensions”; and

8 (iii) by inserting “Energy and” before  
9 “Commerce”; and

10 (C) in subsection (g), by striking “under  
11 this title” and inserting “for carrying out parts  
12 B, C, and D”;

13 (12) by striking sections 861 and 862 (42  
14 U.S.C. 297w and 297x); and

15 (13) in section 871 (42 U.S.C. 298d)—

16 (A) by striking “For the purpose of” and  
17 inserting the following:

18 “(a) IN GENERAL.—For the purpose of”;

19 (B) by striking “\$338,000,000 for fiscal  
20 year 2010, and such sums as may be necessary  
21 for each of the fiscal years 2011 through 2016”  
22 and inserting “\$137,837,000 for each of fiscal  
23 years 2021 through 2025”; and

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

1       “(b) PART E.—For the purpose of carrying out part  
2 E, there are authorized to be appropriated \$117,135,000  
3 for each of the fiscal years 2021 through 2025.”.

4       (b) EVALUATION AND REPORT ON NURSE LOAN RE-  
5 PAYMENT PROGRAMS.—

6           (1) EVALUATION.—The Comptroller General  
7 shall conduct an evaluation of the nurse loan repay-  
8 ment programs administered by the Health Re-  
9 sources and Services Administration. Such evalua-  
10 tion shall include—

11                   (A) the manner in which payments are  
12 made under such programs;

13                   (B) the existing oversight functions nec-  
14 essary to ensure the proper use of such pro-  
15 grams, including payments made as part of  
16 such programs;

17                   (C) the identification of gaps, if any, in  
18 oversight functions; and

19                   (D) information on the number of nurses  
20 assigned to facilities pursuant to such pro-  
21 grams, including the type of facility to which  
22 nurses are assigned and the impact of modi-  
23 fying the eligibility requirements for programs  
24 under section 846 of the Public Health Service  
25 Act (42 U.S.C. 297n), such as the impact on

1 entities to which nurses had previously been as-  
2 signed prior to fiscal year 2019 (such as feder-  
3 ally qualified health centers and facilities affili-  
4 ated with the Indian Health Service).

5 (2) REPORT.—Not later than 18 months after  
6 the enactment of this Act, the Comptroller General  
7 shall submit to the Committee on Health, Edu-  
8 cation, Labor, and Pensions of the Senate and the  
9 Committee on Energy and Commerce of the House  
10 of Representatives, a report on the evaluation under  
11 paragraph (1), which may include recommendations  
12 to improve relevant nursing workforce loan repay-  
13 ment programs.

## 14 **Subtitle B—Education Provisions**

### 15 **SEC. 3501. SHORT TITLE.**

16 This subtitle may be cited as the “COVID-19 Pan-  
17 demic Education Relief Act of 2020”.

### 18 **SEC. 3502. DEFINITIONS.**

19 (a) DEFINITIONS.—In this subtitle:

20 (1) CORONAVIRUS.—The term “coronavirus”  
21 has the meaning given the term in section 506 of the  
22 Coronavirus Preparedness and Response Supple-  
23 mental Appropriations Act, 2020 (Public Law 116–  
24 123).

1           (2) FOREIGN INSTITUTION.—The term “foreign  
2 institution” means an institution of higher education  
3 located outside the United States that is described  
4 in paragraphs (1)(C) and (2) of section 102(a) of  
5 the Higher Education Act of 1965 (20 U.S.C.  
6 1002(a)).

7           (3) INSTITUTION OF HIGHER EDUCATION.—The  
8 term “institution of higher education” has the  
9 meaning of the term under section 102 of the High-  
10 er Education Act of 1965 (20 U.S.C. 1002).

11           (4) QUALIFYING EMERGENCY.—The term  
12 “qualifying emergency” means—

13           (A) a public health emergency related to  
14 the coronavirus declared by the Secretary of  
15 Health and Human Services pursuant to sec-  
16 tion 319 of the Public Health Service Act (42  
17 U.S.C. 247d);

18           (B) an event related to the coronavirus for  
19 which the President declared a major disaster  
20 or an emergency under section 401 or 501, re-  
21 spectively, of the Robert T. Stafford Disaster  
22 Relief and Emergency Assistance Act (42  
23 U.S.C. 5170 and 5191); or

24           (C) a national emergency related to the  
25 coronavirus declared by the President under

1 section 201 of the National Emergencies Act  
2 (50 U.S.C. 1601 et seq.).

3 (5) SECRETARY.—The term “Secretary” means  
4 the Secretary of Education.

5 **SEC. 3503. CAMPUS-BASED AID WAIVERS.**

6 (a) WAIVER OF NON-FEDERAL SHARE REQUIRE-  
7 MENT.—Notwithstanding sections 413C(a)(2) and  
8 443(b)(5) of the Higher Education Act of 1965 (20  
9 U.S.C. 1070b–2(a)(2) and 1087–53(b)(5)), with respect  
10 to funds made available for award years 2019-2020 and  
11 2020-2021, the Secretary shall waive the requirement that  
12 a participating institution of higher education provide a  
13 non-Federal share to match Federal funds provided to the  
14 institution for the programs authorized pursuant to sub-  
15 part 3 of part A and part C of title IV of the Higher  
16 Education Act of 1965 (20 U.S.C. 1070b et seq. and  
17 1087–51 et seq.) for all awards made under such pro-  
18 grams during such award years, except nothing in this  
19 subsection shall affect the non-Federal share requirement  
20 under section 443(c)(3) that applies to private for-profit  
21 organizations.

22 (b) AUTHORITY TO REALLOCATE.—Notwithstanding  
23 sections 413D, 442, and 488 of the Higher Education Act  
24 of 1965 (20 U.S.C. 1070b–3, 1087–52, and 1095), during  
25 a period of a qualifying emergency, an institution may

1 transfer up to 100 percent of the institution's unexpended  
2 allotment under section 442 of such Act to the institu-  
3 tion's allotment under section 413D of such Act, but may  
4 not transfer any funds from the institution's unexpended  
5 allotment under section 413D of such Act to the institu-  
6 tion's allotment under section 442 of such Act.

7 **SEC. 3504. USE OF SUPPLEMENTAL EDUCATIONAL OPPOR-**  
8 **TUNITY GRANTS FOR EMERGENCY AID.**

9 (a) IN GENERAL.—Notwithstanding section 413B of  
10 the Higher Education Act of 1965 (20 U.S.C. 1070b–1),  
11 an institution of higher education may reserve any amount  
12 of an institution's allocation under subpart 3 of part A  
13 of title IV of the Higher Education Act of 1965 (20 U.S.C.  
14 1070b et seq.) for a fiscal year to award, in such fiscal  
15 year, emergency financial aid grants to assist under-  
16 graduate or graduate students for unexpected expenses  
17 and unmet financial need as the result of a qualifying  
18 emergency.

19 (b) DETERMINATIONS.—In determining eligibility for  
20 and awarding emergency financial aid grants under this  
21 section, an institution of higher education may—

22 (1) waive the amount of need calculation under  
23 section 471 of the Higher Education Act of 1965  
24 (20 U.S.C. 1087kk);





1 students' work-study obligation for all or part of such aca-  
2 demic year due to such qualifying emergency, as follows:

3 (1) Payments may be made under such part to  
4 affected work-study students in an amount equal to  
5 or less than the amount of wages such students  
6 would have been paid under such part had the stu-  
7 dents been able to complete the work obligation nec-  
8 essary to receive work study funds, as a one time  
9 grant or as multiple payments.

10 (2) Payments shall not be made to any student  
11 who was not eligible for work study or was not com-  
12 pleting the work obligation necessary to receive work  
13 study funds under such part prior to the occurrence  
14 of the qualifying emergency.

15 (3) Any payments made to affected work-study  
16 students under this subsection shall meet the match-  
17 ing requirements of section 443 of the Higher Edu-  
18 cation Act of 1965 (20 U.S.C. 1087-53), unless  
19 such matching requirements are waived by the Sec-  
20 retary.

21 (b) DEFINITION OF AFFECTED WORK-STUDY STU-  
22 DENT.—In this section, the term “affected work-study  
23 student” means a student enrolled at an eligible institu-  
24 tion participating in the program under part C of title IV

1 of the Higher Education Act of 1965 (20 U.S.C. 1087–  
2 51 et seq.) who—

3 (1) received a work-study award under section  
4 443 of the Higher Education Act of 1965 (20  
5 U.S.C. 1087–53) for the academic year during which  
6 a qualifying emergency occurred;

7 (2) earned Federal work-study wages from such  
8 eligible institution for such academic year; and

9 (3) was prevented from fulfilling the student’s  
10 work-study obligation for all or part of such aca-  
11 demic year due to such qualifying emergency.

12 **SEC. 3506. ADJUSTMENT OF SUBSIDIZED LOAN USAGE LIM-**  
13 **ITS.**

14 Notwithstanding section 455(q)(3) of the Higher  
15 Education Act of 1965 (20 U.S.C. 1087e(q)(3)), the Sec-  
16 retary shall exclude from a student’s period of enrollment  
17 for purposes of loans made under part D of title IV of  
18 the Higher Education Act of 1965 (20 U.S.C. 1087a et  
19 seq.) any semester (or the equivalent) that the student  
20 does not complete due to a qualifying emergency, if the  
21 Secretary is able to administer such policy in a manner  
22 that limits complexity and the burden on the student.

1 **SEC. 3507. EXCLUSION FROM FEDERAL PELL GRANT DURA-**  
2 **TION LIMIT.**

3 The Secretary shall exclude from a student's Federal  
4 Pell Grant duration limit under section 401(c)(5) of the  
5 Higher Education Act of 1965 (2 U.S.C. 1070a(c)(5)) any  
6 semester (or the equivalent) that the student does not  
7 complete due to a qualifying emergency if the Secretary  
8 is able to administer such policy in a manner that limits  
9 complexity and the burden on the student.

10 **SEC. 3508. INSTITUTIONAL REFUNDS AND FEDERAL STU-**  
11 **DENT LOAN FLEXIBILITY.**

12 (a) INSTITUTIONAL WAIVER.—

13 (1) IN GENERAL.—The Secretary shall waive  
14 the institutional requirement under section 484B of  
15 the Higher Education Act of 1965 (20 U.S.C.  
16 1091b) with respect to the amount of grant or loan  
17 assistance (other than assistance received under part  
18 C of title IV of such Act) to be returned under such  
19 section if a recipient of assistance under title IV of  
20 the Higher Education Act of 1965 (20 U.S.C. 1070  
21 et seq.) withdraws from the institution of higher  
22 education during the payment period or period of  
23 enrollment as a result of a qualifying emergency.

24 (2) WAIVERS.—The Secretary shall require  
25 each institution using a waiver relating to the with-  
26 drawal of recipients under this subsection to report

1 the number of such recipients, the amount of grant  
2 or loan assistance (other than assistance received  
3 under part C of title IV of such Act) associated with  
4 each such recipient, and the total amount of grant  
5 or loan assistance (other than assistance received  
6 under part C of title IV of such Act) for which each  
7 institution has not returned assistance under title IV  
8 to the Secretary.

9 (b) STUDENT WAIVER.—The Secretary shall waive  
10 the amounts that students are required to return under  
11 section 484B of the Higher Education Act of 1965 (20  
12 U.S.C. 1091b) with respect to Federal Pell Grants or  
13 other grant assistance if the withdrawals on which the re-  
14 turns are based, are withdrawals by students who with-  
15 drew from the institution of higher education as a result  
16 of a qualifying emergency.

17 (c) CANCELING LOAN OBLIGATION.—Notwith-  
18 standing any other provision of the Higher Education Act  
19 of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall can-  
20 cel the borrower's obligation to repay the entire portion  
21 of a loan made under part D of title IV of such Act (20  
22 U.S.C. 1087a et seq.) associated with a payment period  
23 for a recipient of such loan who withdraws from the insti-  
24 tution of higher education during the payment period as  
25 a result of a qualifying emergency.

1 (d) APPROVED LEAVE OF ABSENCE.—Notwith-  
2 standing any other provision of the Higher Education Act  
3 of 1965 (20 U.S.C. 1001 et seq.), for purposes of receiving  
4 assistance under title IV of the Higher Education Act of  
5 1965 (20 U.S.C. 1070 et seq.), an institution of higher  
6 education may, as a result of a qualifying emergency, pro-  
7 vide a student with an approved leave of absence that does  
8 not require the student to return at the same point in the  
9 academic program that the student began the leave of ab-  
10 sence if the student returns within the same semester (or  
11 the equivalent).

12 **SEC. 3509. SATISFACTORY ACADEMIC PROGRESS.**

13 Notwithstanding section 484 of the Higher Education  
14 Act of 1965 (20 U.S.C. 1091), in determining whether a  
15 student is maintaining satisfactory academic progress for  
16 purposes of title IV of the Higher Education Act of 1965  
17 (20 U.S.C. 1070 et seq.), an institution of higher edu-  
18 cation may, as a result of a qualifying emergency, exclude  
19 from the quantitative component of the calculation any at-  
20 tempted credits that were not completed by such student  
21 without requiring an appeal by such student.

22 **SEC. 3510. CONTINUING EDUCATION AT AFFECTED FOR-**  
23 **EIGN INSTITUTIONS.**

24 (a) IN GENERAL.—Notwithstanding section 481(b)  
25 of the Higher Education Act of 1965 (20 U.S.C. 1088(b)),

1 with respect to a foreign institution, in the case of a public  
2 health emergency, major disaster or emergency, or na-  
3 tional emergency declared by the applicable government  
4 authorities in the country in which the foreign institution  
5 is located, the Secretary may permit any part of an other-  
6 wise eligible program to be offered via distance education  
7 for the duration of such emergency or disaster and the  
8 following payment period for purposes of title IV of the  
9 Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

10 (b) ELIGIBILITY.—An otherwise eligible program  
11 that is offered in whole or in part through distance edu-  
12 cation by a foreign institution between March 1, 2020, and  
13 the date of enactment of this Act shall be deemed eligible  
14 for the purposes of part D of title IV of the Higher Edu-  
15 cation Act of 1965 (20 U.S.C. 1087a et seq.) for the dura-  
16 tion of the qualifying emergency and the following pay-  
17 ment period for purposes of title IV of the Higher Edu-  
18 cation Act of 1965 (20 U.S.C. 1070 et seq.). An institu-  
19 tion of higher education that uses the authority provided  
20 in the previous sentence shall report such use to the Sec-  
21 retary—

22 (1) for the 2019–2020 award year, not later  
23 than June 30, 2020; and

1           (2) for an award year subsequent to the 2019–  
2           2020 award year, not later than 30 days after such  
3           use.

4           (c) REPORT.—Not later than 180 days after the date  
5 of enactment of this Act, and every 180 days thereafter  
6 for the duration of the qualifying emergency and the fol-  
7 lowing payment period, the Secretary shall submit to the  
8 authorizing committees (as defined in section 103 of the  
9 Higher Education Act of 1965 (20 U.S.C. 1003)) a report  
10 that identifies each foreign institution that carried out a  
11 distance education program authorized under this section.

12           (d) WRITTEN ARRANGEMENTS.—

13           (1) IN GENERAL.—Notwithstanding section 102  
14 of the Higher Education Act of 1965 (20 U.S.C.  
15 1002), for the duration of a qualifying emergency  
16 and the following payment period, the Secretary may  
17 allow a foreign institution to enter into a written ar-  
18 rangement with an institution of higher education  
19 located in the United States that participates in the  
20 Federal Direct Loan Program under part D of title  
21 IV of the Higher Education Act of 1965 (20 U.S.C.  
22 1087a et seq.) for the purpose of allowing a student  
23 of the foreign institution who is a borrower of a loan  
24 made under such part to take courses from the insti-



1       tution of higher education located in the United  
2       States.

3               (2) FORM OF ARRANGEMENTS.—

4                       (A) PUBLIC OR OTHER NONPROFIT INSTI-  
5                       TUTIONS.—A foreign institution that is a public  
6                       or other nonprofit institution may enter into a  
7                       written arrangement under subsection (a) only  
8                       with an institution of higher education de-  
9                       scribed in section 101 of such Act (20 U.S.C.  
10                      1001).

11                     (B) OTHER INSTITUTIONS.—A foreign in-  
12                     stitution that is a graduate medical school,  
13                     nursing school, or a veterinary school and that  
14                     is not a public or other nonprofit institution  
15                     may enter into a written arrangement under  
16                     subsection (a) with an institution of higher edu-  
17                     cation described in section 101 or section 102  
18                     of such Act (20 U.S.C. 1001 and 1002).

19               (3) REPORT ON USE.—An institution of higher  
20       education that uses the authority described in para-  
21       graph (2) shall report such use to the Secretary—

22                       (A) for the 2019–2020 award year, not  
23                       later than June 30, 2020; and

1 (B) for an award year subsequent to the  
2 2019–2020 award year, not later than 30 days  
3 after such use.

4 (4) REPORT FROM THE SECRETARY.—Not later  
5 than 180 days after the date of enactment of this  
6 Act, and every 180 days thereafter for the duration  
7 of the qualifying emergency and the following pay-  
8 ment period, the Secretary shall submit to the au-  
9 thorizing committees (as defined in section 103 of  
10 the Higher Education Act of 1965 (20 U.S.C.  
11 1003)) a report that identifies each foreign institu-  
12 tion that entered into a written arrangement author-  
13 ized under subsection (a).

14 **SEC. 3511. NATIONAL EMERGENCY EDUCATIONAL WAIVERS.**

15 (a) IN GENERAL.—Notwithstanding any other provi-  
16 sion of law, the Secretary may, upon the request of a State  
17 or Indian tribe, waive any statutory or regulatory provi-  
18 sion described under paragraphs (1) and (2) of subsection  
19 (b), and upon the request of a local educational agency,  
20 waive any statutory or regulatory provision described  
21 under paragraph (2) of subsection (b), if the Secretary  
22 determines that such a waiver is necessary and appro-  
23 priate due to the emergency involving Federal primary re-  
24 sponsibility determined to exist by the President under the  
25 section 501(b) of the Robert T. Stafford Disaster Relief

1 and Emergency Assistance Act (42 U.S.C. 5191(b)) with  
2 respect to the Coronavirus Disease 2019 (COVID-19).

3 (b) APPLICABLE PROVISIONS OF LAW.—

4 (1) STREAMLINED WAIVERS.—The Secretary  
5 shall create an expedited application process to re-  
6 quest a waiver and the Secretary may waive any  
7 statutory or regulatory requirements for a State  
8 educational agency (related to assessments, account-  
9 ability, and reporting requirements related to assess-  
10 ments and accountability), if the Secretary deter-  
11 mines that such a waiver is necessary and appro-  
12 priate as described in subsection (a), under the fol-  
13 lowing provisions of law:

14 (A) Paragraphs (2) and (3) of subsection  
15 (b), subsections (c) and (d), and requirements  
16 under subsection (h) that relate to paragraphs  
17 (2) and (3) of subsection (b), and subsections  
18 (c) and (d), of section 1111 of the Elementary  
19 and Secondary Education Act of 1965 (20  
20 U.S.C. 6311).

21 (B) Section 421(b) of the General Edu-  
22 cation Provisions Act (20 U.S.C. 1225(b)).

23 (2) STATE AND LOCALLY-REQUESTED WAIV-  
24 ERS.—For a State educational agency, local edu-  
25 cational agency, or Indian tribe that receives funds

1 under a program authorized under the Elementary  
2 and Secondary Education Act of 1965 (20 U.S.C.  
3 6301 et seq.) that requests a waiver under sub-  
4 section (c), the Secretary may waive statutory and  
5 regulatory requirements under any of the following  
6 provisions of such Act:

7 (A) Section 1114(a)(1).

8 (B) Section 1118(a) and section 8521.

9 (C) Section 1127.

10 (D) Section 4106(d).

11 (E) Subparagraphs (C), (D), and (E) of  
12 section 4106(e)(2).

13 (F) Section 4109(b).

14 (G) The professional development (as de-  
15 fined in section 8101(42) of the Elementary  
16 and Secondary Education Act of 1965 (20  
17 U.S.C. 7801(42)) requirements under the Ele-  
18 mentary and Secondary Education Act of 1965  
19 (20 U.S.C. 6301 et seq.).

20 (3) APPLICABILITY TO CHARTER SCHOOLS.—

21 Any waivers issued by the Secretary under this sec-  
22 tion shall be implemented, as applicable—

23 (A) for all public schools, including public  
24 charter schools within the boundaries of the re-  
25 cipient of the waiver;

1 (B) in accordance with State charter  
2 school law; and

3 (C) pursuant to section 1111(c)(5) of the  
4 Elementary and Secondary Education Act of  
5 1965 (20 U.S.C. 6311(c)(5)).

6 (4) LIMITATION.—Nothing in this section shall  
7 be construed to allow the Secretary to waive any  
8 statutory or regulatory requirements under applica-  
9 ble civil rights laws.

10 (5) ACCOUNTABILITY AND IMPROVEMENT.—  
11 Any school located in a State that receives a waiver  
12 under paragraph (1) and that is identified for com-  
13 prehensive support and improvement or targeted  
14 support and improvement in the 2019-2020 school  
15 year under section 1111(c)(4)(D) or section  
16 1111(d)(2) of the Elementary and Secondary Edu-  
17 cation Act of 1965 (20 U.S.C. 6311(c)(4)(D) or  
18 (d)(2)) shall maintain that identification status in  
19 the 2020-2021 school year and continue to receive  
20 supports and interventions consistent with the  
21 school's support and improvement plan in the 2020-  
22 2021 school year.

23 (c) STATE AND LOCAL REQUESTS FOR WAIVERS.—

24 (1) IN GENERAL.—A State educational agency,  
25 local educational agency, or Indian tribe that desires

1 a waiver from any statutory or regulatory provision  
2 described under subsection (b)(2), may submit a  
3 waiver request to the Secretary in accordance with  
4 this subsection.

5 (2) REQUESTS SUBMITTED.—A request for a  
6 waiver under this subsection shall—

7 (A) identify the Federal programs affected  
8 by the requested waiver;

9 (B) describe which Federal statutory or  
10 regulatory requirements are to be waived;

11 (C) describe how the emergency involving  
12 Federal primary responsibility determined to  
13 exist by the President under the section 501(b)  
14 of the Robert T. Stafford Disaster Relief and  
15 Emergency Assistance Act (42 U.S.C. 5191(b))  
16 with respect to the Coronavirus Disease 2019  
17 (COVID-19) prevents or otherwise restricts the  
18 ability of the State, State educational agency,  
19 local educational agency, Indian tribe, or school  
20 to comply with such statutory or regulatory re-  
21 quirements; and

22 (D) provide an assurance that the State,  
23 local educational agency, or Indian tribe will  
24 work to mitigate any negative effects, if any,

1 that may occur as a result of the requested  
2 waiver.

3 (3) SECRETARY APPROVAL.—

4 (A) IN GENERAL.—Except as provided  
5 under subparagraph (B), the Secretary shall  
6 approve or disapprove a waiver request sub-  
7 mitted under paragraph (1) not more than 30  
8 days after the date on which such request is  
9 submitted.

10 (B) EXCEPTIONS.—The Secretary may dis-  
11 approve a waiver request submitted under para-  
12 graph (1), only if the Secretary determines  
13 that—

14 (i) the waiver request does not meet  
15 the requirements of this section;

16 (ii) the waiver is not permitted pursu-  
17 ant to subsection (b)(2); or

18 (iii) the description required under  
19 paragraph (2)(C) provides insufficient in-  
20 formation to demonstrate that the waiving  
21 of such requirements is necessary or ap-  
22 propriate consistent with subsection (a).

23 (4) DURATION.—A waiver approved by the Sec-  
24 retary under this section may be for a period not to  
25 exceed the 2019–2020 academic year, except in the

1 case of implementation of any maintenance of effort  
2 waivers granted during the 2019–2020 academic  
3 year.

4 (d) REPORTING AND PUBLICATION.—

5 (1) PUBLIC NOTICE.—A State, Indian Tribe, or  
6 local educational agency requesting a waiver under  
7 subsection (b)(2) shall provide the public and all  
8 local educational agencies in the State with notice  
9 of, and the opportunity to comment on, the request  
10 by posting information regarding the waiver request  
11 and the process for commenting on the State  
12 website.

13 (2) NOTIFYING CONGRESS.—Not later than 7  
14 days after granting a waiver under this section, the  
15 Secretary shall notify the Committee on Health,  
16 Education, Labor, and Pensions of the Senate, the  
17 Committee on Appropriations of the Senate, the  
18 Committee on Education and Labor of the House of  
19 Representatives, and the Committee on Appropria-  
20 tions of the House of Representatives of such waiv-  
21 er.

22 (3) PUBLICATION.—Not later than 30 days  
23 after granting a waiver under this section, the Sec-  
24 retary shall publish a notice of the Secretary’s deci-  
25 sion (including which waiver was granted and the



1 reason for granting the waiver) in the Federal Reg-  
2 ister and on the website of the Department of Edu-  
3 cation.

4 (4) REPORT.—Not later than 30 days after the  
5 date of enactment of this Act, the Secretary shall  
6 prepare and submit a report to the Committee on  
7 Health, Education, Labor, and Pensions and the  
8 Committee on Appropriations of the Senate, and the  
9 Committee on Education and Labor and the Com-  
10 mittee on Appropriations of the House of Represent-  
11 atives, with recommendations on any additional  
12 waivers under the Individuals with Disabilities Edu-  
13 cation Act (20 U.S.C. 1401 et seq.), the Rehabilita-  
14 tion Act of 1973 (29 U.S.C. 701 et seq.), the Ele-  
15 mentary and Secondary Education Act of 1965 (20  
16 U.S.C. 6301 et seq.), and the Carl D. Perkins Ca-  
17 reer and Technical Education Act of 2006 (20  
18 U.S.C. 2301 et seq.) the Secretary believes are nec-  
19 essary to be enacted into law to provide limited flexi-  
20 bility to States and local educational agencies to  
21 meet the needs of students during the emergency in-  
22 volving Federal primary responsibility determined to  
23 exist by the President under section 501(b) of the  
24 Robert T. Stafford Disaster Relief and Emergency

1 Assistance Act (42 U.S.C. 5191(b)) with respect to  
2 the Coronavirus Disease 2019 (COVID-19).

3 (e) TERMS.—In this section, the term “State edu-  
4 cational agency” includes the Bureau of Indian Education,  
5 and the term “local educational agency” includes Bureau  
6 of Indian Education funded schools operated pursuant to  
7 a grant under the Tribally Controlled Schools Act of 1988  
8 (25 U.S.C. 2501 et seq.), or a contract under the Indian  
9 Self-Determination and Education Assistance Act (25  
10 U.S.C. 5301 et seq.).

11 **SEC. 3512. HBCU CAPITAL FINANCING.**

12 (a) DEFERMENT PERIOD.—

13 (1) IN GENERAL.—Notwithstanding any provi-  
14 sion of title III of the Higher Education Act of 1965  
15 (20 U.S.C. 1051 et seq.), or any regulation promul-  
16 gated under such title, the Secretary may grant a  
17 deferment, for the duration of a qualifying emer-  
18 gency, to an institution that has received a loan  
19 under part D of title III of such Act (20 U.S.C.  
20 1066 et seq.).

21 (2) TERMS.—During the deferment period  
22 granted under this subsection—

23 (A) the institution shall not be required to  
24 pay any periodic installment of principal or in-

1           terest required under the loan agreement for  
2           such loan; and

3                   (B) the Secretary shall make principal and  
4           interest payments otherwise due under the loan  
5           agreement.

6           (3) CLOSING.—At the closing of a loan deferred  
7           under this subsection, terms shall be set under  
8           which the institution shall be required to repay the  
9           Secretary for the payments of principal and interest  
10          made by the Secretary during the deferment, on a  
11          schedule that begins upon repayment to the lender  
12          in full on the loan agreement, except in no case shall  
13          repayment be required to begin before the date that  
14          is 1 full fiscal year after the date that is the end of  
15          the qualifying emergency.

16          (b) TERMINATION DATE.—

17                  (1) IN GENERAL.—The authority provided  
18          under this section to grant a loan deferment under  
19          subsection (a) shall terminate on the date on which  
20          the qualifying emergency is no longer in effect.

21                  (2) DURATION.—Any provision of a loan agree-  
22          ment or insurance agreement modified by the au-  
23          thority under this section shall remain so modified  
24          for the duration of the period covered by the loan  
25          agreement or insurance agreement.

1 (c) REPORT.—Not later than 180 days after the date  
2 of enactment of this Act, and every 180 days thereafter  
3 during the period beginning on the first day of the quali-  
4 fying emergency and ending on September 30 of the fiscal  
5 year following the end of the qualifying emergency, the  
6 Secretary shall submit to the authorizing committees (as  
7 defined in section 103 of the Higher Education Act of  
8 1965 (20 U.S.C. 1003)) a report that identifies each insti-  
9 tution that received assistance under this section.

10 **SEC. 3513. TEMPORARY RELIEF FOR FEDERAL STUDENT**  
11 **LOAN BORROWERS.**

12 (a) IN GENERAL.—The Secretary shall suspend all  
13 payments due for loans made under part D and part B  
14 (that are held by the Department of Education) of title  
15 IV of the Higher Education Act of 1965 (20 U.S.C. 1087a  
16 et seq.; 1071 et seq.) for 6 months.

17 (b) NO ACCRUAL OF INTEREST.—Notwithstanding  
18 any other provision of the Higher Education Act of 1965  
19 (20 U.S.C. 1001 et seq.), interest shall not accrue on a  
20 loan described under subsection (a) for which payment  
21 was suspended for the period of the suspension.

22 (c) CONSIDERATION OF PAYMENTS.—The Secretary  
23 shall deem each month for which a loan payment was sus-  
24 pended under this section as if the borrower of the loan  
25 had made a payment for the purpose of any loan forgive-

1 ness program authorized under part D or B of title IV  
2 of the Higher Education Act of 1965 (20 U.S.C. 1087a  
3 et seq.; 1071 et seq.) for which the borrower would have  
4 otherwise qualified.

5 **SEC. 3514. PROVISIONS RELATED TO THE CORPORATION**  
6 **FOR NATIONAL AND COMMUNITY SERVICE.**

7 (a) ACCRUAL OF SERVICE HOURS.—

8 (1) ACCRUAL THROUGH OTHER SERVICE  
9 HOURS.—

10 (A) IN GENERAL.—Notwithstanding any  
11 other provision of the Domestic Volunteer Serv-  
12 ice Act of 1973 (42 U.S.C. 4950 et seq.) or the  
13 National and Community Service Act of 1990  
14 (42 U.S.C. 12501 et seq.), the Corporation for  
15 National and Community Service shall allow an  
16 individual described in subparagraph (B) to ac-  
17 crue other service hours that will count toward  
18 the number of hours needed for the individual's  
19 education award.

20 (B) AFFECTED INDIVIDUALS.—Subpara-  
21 graph (A) shall apply to any individual serving  
22 in a position eligible for an educational award  
23 under subtitle D of title I of the National and  
24 Community Service Act of 1990 (42 U.S.C.  
25 12601 et seq.)—

1 (i) who is performing limited service  
2 due to COVID-19; or

3 (ii) whose position has been suspended  
4 or placed on hold due to COVID-19.

5 (2) PROVISIONS IN CASE OF EARLY EXIT.—In  
6 any case where an individual serving in a position el-  
7 igible for an educational award under subtitle D of  
8 title I of the National and Community Service Act  
9 of 1990 (42 U.S.C. 12601 et seq.) was required to  
10 exit the position early at the direction of the Cor-  
11 poration for National and Community Service, the  
12 Chief Executive Officer of the Corporation for Na-  
13 tional and Community Service may—

14 (A) deem such individual as having met  
15 the requirements of the position; and

16 (B) award the individual the full value of  
17 the educational award under such subtitle for  
18 which the individual would otherwise have been  
19 eligible.

20 (b) AVAILABILITY OF FUNDS.—Notwithstanding any  
21 other provision of law, all funds made available to the Cor-  
22 poration for National and Community Service under any  
23 Act, including the amounts appropriated to the Corpora-  
24 tion under the headings “OPERATING EXPENSES”, “SALA-  
25 RIES AND EXPENSES”, and “OFFICE OF THE INSPECTOR

1 GENERAL” under the heading “CORPORATION FOR NA-  
2 TIONAL AND COMMUNITY SERVICE” under title IV of Divi-  
3 sion A of the Further Consolidated Appropriations Act,  
4 2020 (Public Law 116–94), shall remain available for the  
5 fiscal year ending September 30, 2021.

6 (c) NO REQUIRED RETURN OF GRANT FUNDS.—  
7 Notwithstanding section 129(l)(3)(A)(i) of the National  
8 and Community Service Act of 1990 (42 U.S.C.  
9 12581(l)(3)(A)(i)), the Chief Executive Officer of the Cor-  
10 poration for National and Community Service may permit  
11 fixed-amount grant recipients under such section 129(l)  
12 to maintain a pro rata amount of grant funds, at the dis-  
13 cretion of the Corporation for National and Community  
14 Service, for participants who exited, were suspended, or  
15 are serving in a limited capacity due to COVID-19, to en-  
16 able the grant recipients to maintain operations and to  
17 accept participants.

18 (d) EXTENSION OF TERMS AND AGE LIMITS.—Not-  
19 withstanding any other provision of law, the Corporation  
20 for National and Community Service may extend the term  
21 of service (for a period not to exceed the 1-year period  
22 immediately following the end of the national emergency)  
23 or waive any upper age limit (except in no case shall the  
24 maximum age exceed 26 years of age) for national service  
25 programs carried out by the National Civilian Community

1 Corps under subtitle E of title I of the National and Com-  
2 munity Service Act of 1990 (42 U.S.C. 12611 et seq.),  
3 and the participants in such programs, for the purposes  
4 of—

5 (1) addressing disruptions due to COVID-19;

6 and

7 (2) minimizing the difficulty in returning to full  
8 operation due to COVID-19 on such programs and  
9 participants.

10 **SEC. 3515. WORKFORCE RESPONSE ACTIVITIES.**

11 (a) ADMINISTRATIVE COSTS.—Notwithstanding sec-  
12 tion 128(b)(4) of the Workforce Innovation Opportunity  
13 Act (29 U.S.C. 3163(b)(4)), of the total amount allocated  
14 to a local area (including the total amount allotted to a  
15 single State local area) under subtitle B of title I of such  
16 Act (29 U.S.C. 3151 et seq.) for program year 2019, not  
17 more than 20 percent of the total amount may be used  
18 for the administrative costs of carrying out local workforce  
19 investment activities under chapter 2 or chapter 3 of sub-  
20 title B of title I of such Act, if the portion of the total  
21 amount that exceeds 10 percent of the total amount is  
22 used to respond to a qualifying emergency.

23 (b) RAPID RESPONSE ACTIVITIES.—

24 (1) STATEWIDE RAPID RESPONSE.—Of the  
25 funds reserved by a Governor for program year 2019



1 for statewide activities under section 128(a) of the  
2 Workforce Innovation and Opportunity Act (29  
3 U.S.C. 3163(a)) that remain unobligated, such  
4 funds may be used for statewide rapid response ac-  
5 tivities as described in section 134(a)(2)(A) of such  
6 Act (29 U.S.C. 3174(a)(2)(A)) for responding to a  
7 qualifying emergency.

8 (2) LOCAL BOARDS.—Of the funds reserved by  
9 a Governor for program 2019 under section  
10 133(a)(2) of such Act (29 U.S.C. 3173(a)(2)) that  
11 remain unobligated, such funds may be released  
12 within 30 days after the date of enactment of this  
13 Act to the local boards most impacted by the  
14 coronavirus at the determination of the Governor for  
15 rapid response activities related to responding to a  
16 qualifying emergency.

17 (c) DEFINITIONS.—Except as otherwise provided, the  
18 terms in this section have the meanings given the terms  
19 in section 3 of the Workforce Innovation and Opportunity  
20 Act (29 U.S.C. 3102).

21 **SEC. 3516. TECHNICAL AMENDMENTS.**

22 (a) IN GENERAL.—

23 (1) Section 6103(a)(3) of the Internal Revenue  
24 Code of 1986, as amended by the FUTURE Act  
25 (Public Law 116-91), is further amended by striking

1 “(13), (16)” and inserting “(13)(A), (13)(B),  
2 (13)(C), (13)(D)(i), (16)”.

3 (2) Section 6103(p)(3)(A) of such Code, as so  
4 amended, is further amended by striking “(12),”  
5 and inserting “(12), (13)(A), (13)(B), (13)(C),  
6 (13)(D)(i)”.

7 (3) Section 6103(p)(4) of such Code, as so  
8 amended, is further amended by striking “(13) or  
9 (16)” each place it appears and inserting “(13), or  
10 (16)”.

11 (4) Section 6103(p)(4) of such Code, as so  
12 amended and as amended by paragraph (3), is fur-  
13 ther amended by striking “(13)” each place it ap-  
14 pears and inserting “(13)(A), (13)(B), (13)(C),  
15 (13)(D)(i)”.

16 (5) Section 6103(l)(13)(C)(ii) of such Code, as  
17 added by the FUTURE Act (Public Law 116-91), is  
18 amended by striking “section 236A(e)(4)” and in-  
19 serting “section 263A(e)(4)”.

20 (b) EFFECTIVE DATE.—The amendments made by  
21 this section shall apply as if included in the enactment  
22 of the FUTURE Act (Public Law 116-91).

1 **SEC. 3517. WAIVER AUTHORITY AND REPORTING REQUIRE-**  
2 **MENT FOR INSTITUTIONAL AID.**

3 (a) WAIVER AUTHORITY.—Notwithstanding any  
4 other provision of the Higher Education Act of 1965  
5 (U.S.C. 1001 et seq.), unless enacted with specific ref-  
6 erence to this section, for any institution of higher edu-  
7 cation that was receiving assistance under title III, title  
8 V, or subpart 4 of part A of title VII of such Act (20  
9 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) at the  
10 time of a qualifying emergency, the Secretary may, for the  
11 period beginning on the first day of the qualifying emer-  
12 gency and ending on September 30 of the fiscal year fol-  
13 lowing the end of the qualifying emergency—

14 (1) waive—

15 (A) the eligibility data requirements set  
16 forth in section 391(d) and 521(e) of the High-  
17 er Education Act of 1965 (20 U.S.C. 1068(d);  
18 1103(e));

19 (B) the wait-out period set forth in section  
20 313(d) of the Higher Education Act of 1965  
21 (20 U.S.C. 1059(d));

22 (C) the allotment requirements under  
23 paragraphs (2) and (3) of subsection 318(e) of  
24 the Higher Education Act of 1965 (20 U.S.C.  
25 1059e(e)), and the reference to “the academic

1 year preceding the beginning of that fiscal  
2 year” under such section 318(e)(1);

3 (D) the allotment requirements under sub-  
4 sections (b), (c), and (g) of section 324 of the  
5 Higher Education Act of 1965 (20 U.S.C.  
6 1063), the reference to “the end of the school  
7 year preceding the beginning of that fiscal  
8 year” under such section 324(a), and the ref-  
9 erence to “the academic year preceding such  
10 fiscal year” under such section 324(h);

11 (E) subparagraphs (A), (C), (D), and (E)  
12 of section 326(f)(3) of the Higher Education  
13 Act of 1965 (20 U.S.C. 1063b(f)(3)), and ref-  
14 erences to “previous year” under such section  
15 326(f)(3)(B);

16 (F) subparagraphs (A), (C), (D), and (E)  
17 of section 723(f)(3) and subparagraphs (A),  
18 (C), (D), and (E) of section 724(f)(3) of the  
19 Higher Education Act of 1965 (20 U.S.C.  
20 1136a(f)(3); 1136b(f)(3)), and references to  
21 “previous academic year” under subparagraph  
22 (B) of such sections 723(f)(3) and 724(f)(3);  
23 and

24 (G) the allotment restriction set forth in  
25 section 318(d)(4) and section 323(e)(2) of the

1 Higher Education Act of 1965 (20 U.S.C.  
2 1059e(d)(4); 1062(c)(2)); and

3 (2) waive or modify any statutory or regulatory  
4 provision to ensure that institutions that were re-  
5 ceiving assistance under title III, title V, or subpart  
6 4 of part A of title VII of such Act (20 U.S.C. 1051  
7 et seq.; 1101 et seq.; 1136a et seq.) at the time of  
8 a qualifying emergency are not adversely affected by  
9 any formula calculation for fiscal year 2020 and for  
10 the period beginning on the first day of the quali-  
11 fying emergency and ending on September 30 of the  
12 fiscal year following the end of the qualifying emer-  
13 gency, as necessary.

14 (b) USE OF UNEXPENDED FUNDS.—Any funds paid  
15 to an institution under title III, title V, or subpart 4 of  
16 part A of title VII of the Higher Education Act of 1965  
17 (20 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) and  
18 not expended or used for the purposes for which the funds  
19 were paid to the institution during the 5-year period fol-  
20 lowing the date on which the funds were first paid to the  
21 institution, may be carried over and expended during the  
22 succeeding 5-year period.

23 (c) REPORT.—Not later than 180 days after the date  
24 of enactment of this Act, and every 180 days thereafter  
25 for the period beginning on the first day of the qualifying

1 emergency and ending on September 30 of the fiscal year  
2 following the end of the qualifying emergency, the Sec-  
3 retary shall submit to the authorizing committees (as de-  
4 fined in section 103 of the Higher Education Act of 1965  
5 (20 U.S.C. 1003)) a report that identifies each institution  
6 that received a waiver or modification under this section.

7 **SEC. 3518. AUTHORIZED USES AND OTHER MODIFICATIONS**  
8 **FOR GRANTS.**

9 (a) IN GENERAL.—The Secretary is authorized to  
10 modify the required and allowable uses of funds for grants  
11 awarded under part A or B of title III, chapter I or II  
12 of subpart 2 of part A of title IV, title V, or subpart 4  
13 of part A of title VII of the Higher Education Act of 1965  
14 (20 U.S.C. 1057 et seq.; 1060 et seq.; 1070a–11 et seq.;  
15 1070a–21 et seq.; 1101 et seq.; 1136a et seq.) to an insti-  
16 tution of higher education or other grant recipient (not  
17 including individual recipients of Federal student financial  
18 assistance), at the request of an institution of higher edu-  
19 cation or other recipient of a grant (not including indi-  
20 vidual recipients of Federal student financial assistance)  
21 as a result of a qualifying emergency, for the period begin-  
22 ning on the first day of the qualifying emergency and end-  
23 ing on September 30 of the fiscal year following the end  
24 of the qualifying emergency.

1           (b) MATCHING REQUIREMENT MODIFICATIONS.—  
2 Notwithstanding any other provision of the Higher Edu-  
3 cation Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary  
4 is authorized to modify any Federal share or other finan-  
5 cial matching requirement for a grant awarded on a com-  
6 petitive basis or a grant awarded under part A or B of  
7 title III or subpart 4 of part A of title VII of the Higher  
8 Education Act of 1965 (20 U.S.C. 1057 et seq.; 1060 et  
9 seq.; 1136a et seq.) at the request of an institution of  
10 higher education or other grant recipient as a result of  
11 a qualifying emergency, for the period beginning on the  
12 first day of the qualifying emergency and ending on Sep-  
13 tember 30 of the fiscal year following the end of the quali-  
14 fying emergency.

15           (c) REPORTS.—Not later than 180 days after the  
16 date of enactment of this Act, and every 180 days there-  
17 after for the duration of the period beginning on the first  
18 day of the qualifying emergency and ending on September  
19 30 of the fiscal year following the end of the qualifying  
20 emergency, the Secretary shall submit to the authorizing  
21 committees (as defined in section 103 of the Higher Edu-  
22 cation Act of 1965 (20 U.S.C. 1003)) a report that identi-  
23 fies each institution of higher education or other grant re-  
24 cipient that received a modification under this section.

1 **SEC. 3519. SERVICE OBLIGATIONS FOR TEACHERS.**

2 (a) **TEACH GRANTS.**—For the purpose of section  
3 420N of the Higher Education Act of 1965 (20 U.S.C.  
4 1070g–2), during a qualifying emergency, the Secretary—

5 (1) may modify the categories of extenuating  
6 circumstances under which a recipient of a grant  
7 under subpart 9 of part A of title IV of the Higher  
8 Education Act of 1965 (20 U.S.C. 1070g et seq.)  
9 who is unable to fulfill all or part of the recipient’s  
10 service obligation may be excused from fulfilling that  
11 portion of the service obligation; and

12 (2) shall consider teaching service that, as a re-  
13 sult of a qualifying emergency, is part-time or tem-  
14 porarily interrupted, to be full-time service and to  
15 fulfill the service obligations under such section  
16 420N.

17 (b) **TEACHER LOAN FORGIVENESS.**—Notwith-  
18 standing section 428J or 460 of the Higher Education Act  
19 of 1965 (20 U.S.C. 1078–10; 1087j), the Secretary shall  
20 waive the requirements under such sections that years of  
21 teaching service shall be consecutive if—

22 (1) the teaching service of a borrower is tempo-  
23 rarily interrupted due to a qualifying emergency;  
24 and

25 (2) after the temporary interruption due to a  
26 qualifying emergency, the borrower resumes teaching



1 service and completes a total of 5 years of qualifying  
2 teaching service under such sections, including quali-  
3 fying teaching service performed before, during, and  
4 after such qualifying emergency.

## 5 **Subtitle C—Labor Provisions**

### 6 **SEC. 3601. LIMITATION ON PAID LEAVE.**

7 Section 110(b)(2)(B) of the Family and Medical  
8 Leave Act of 1993 (as added by the Emergency Family  
9 and Medical Leave Expansion Act) is amended by striking  
10 clause (ii) and inserting the following:

11 “(ii) **LIMITATION.**—An employer shall  
12 not be required to pay more than \$200 per  
13 day and \$10,000 in the aggregate for each  
14 employee for paid leave under this sec-  
15 tion.”.

### 16 **SEC. 3602. EMERGENCY PAID SICK LEAVE ACT LIMITATION.**

17 Section 5102 of the Emergency Paid Sick Leave Act  
18 (division E of the Families First Coronavirus Response  
19 Act) is amended by adding at the end the following:

20 “(f) **LIMITATIONS.**—

21 “(1) **IN GENERAL.**—An employer shall not be  
22 required to pay more than either—

23 “(A) \$511 per day and \$5,110 in the ag-  
24 gregate for each employee, when the employee

1 is taking leave for a reason described in para-  
2 graph (1), (2), or (3) of section 5102(a); or

3 “(B) \$200 per day and \$2,000 in the ag-  
4 gregate for each employee, when the employee  
5 is taking leave for a reason described in para-  
6 graph (4), (5), or (6) of section 5102(a).

7 “(2) EXPIRATION OF REQUIREMENT.— An em-  
8 ployer’s requirement to provide paid leave with re-  
9 spect to a specific employee shall expire at the ear-  
10 lier of—

11 “(A) the time when the employer has paid  
12 that employee for paid leave under this section  
13 for an equivalent of 80 hours of work; or

14 “(B) upon the employee’s return to work  
15 after taking paid leave under this section.”.

16 **SEC. 3603. REGULATORY AUTHORITIES UNDER THE EMER-**  
17 **GENCY PAID SICK LEAVE ACT.**

18 Section 5111(2) of the Emergency Paid Sick Leave  
19 Act (division E of the Families First Coronavirus Re-  
20 sponse Act) is amended by striking “section 5102(a)(5)”  
21 and inserting “paragraphs (4) and (5) of section  
22 5102(a).”.

23 **SEC. 3604. UNEMPLOYMENT INSURANCE.**

24 Section 903(h)(2)(B) of the Social Security Act (42  
25 U.S.C. 1103(h)(2)(B)), as added by section 4102 of the

1 Emergency Unemployment Insurance Stabilization and  
2 Access Act of 2020, is amended to read as follows:

3           “(B) The State ensures that applications  
4           for unemployment compensation, and assistance  
5           with the application process, are accessible in  
6           person, by phone, or online.”.

7 **SEC. 3605. OMB WAIVER OF PAID FAMILY AND PAID SICK**  
8           **LEAVE.**

9           (a) FAMILY AND MEDICAL LEAVE ACT OF 1993.—  
10 Section 110(a) of title I of the Family and Medical Leave  
11 Act of 1993 (29 U.S.C. 2611 et seq.) (as added by division  
12 C of the Families First Coronavirus Response Act) is  
13 amended by adding at the end the following new para-  
14 graph:

15           “(4) The Director of the Office of Management  
16           and Budget shall have the authority to exclude for  
17           good cause from the requirements under subsection  
18           (b) certain employers of the United States Govern-  
19           ment with respect to certain categories of Executive  
20           Branch employees.”.

21           (b) EMERGENCY PAID SICK LEAVE ACT.—The  
22 Emergency Paid Sick Leave Act (division E of the Fami-  
23 lies First Coronavirus Response Act) is amended by add-  
24 ing at the end the following new section:

1 **“SEC. 5112. AUTHORITY TO EXCLUDE CERTAIN EMPLOYEES.**

2 “The Director of the Office of Management and  
3 Budget shall have the authority to exclude for good cause  
4 from the definition of employee under section 5110(1) cer-  
5 tain employees described in subparagraphs (E) and (F)  
6 of such section, including by exempting certain United  
7 States Government employers covered by section  
8 5110(2)(A)(i)(V) from the requirements of this title with  
9 respect to certain categories of Executive Branch employ-  
10 ees.”.

11 **SEC. 3606. PAID LEAVE FOR REHIRED EMPLOYEES.**

12 Section 110(a)(1)(A) of the Family and Medical  
13 Leave Act of 1993, as added by section 3102 of the Emer-  
14 gency Family and Medical Leave Expansion Act, is  
15 amended to read as follows:

16 “(A) ELIGIBLE EMPLOYEE.—

17 “(i) IN GENERAL.—In lieu of the defi-  
18 nition in sections 101(2)(A) and  
19 101(2)(B)(ii), the term ‘eligible employee’  
20 means an employee who has been employed  
21 for at least 30 calendar days by the em-  
22 ployer with respect to whom leave is re-  
23 quested under section 102(a)(1)(F).

24 “(ii) RULE REGARDING REHIRED EM-  
25 PLOYEES.—For purposes of clause (i), the  
26 term ‘employed for at least 30 calendar

1 days', used with respect to an employee  
2 and an employer described in clause (i), in-  
3 cludes an employee who was laid off by  
4 that employer not earlier than March 1,  
5 2020, had worked for the employer for not  
6 less than 30 of the last 60 calendar days  
7 prior to the employee's layoff, and was re-  
8 hired by the employer."

9 **SEC. 3607. ADVANCE REFUNDING OF CREDITS.**

10 (a) PAYROLL CREDIT FOR REQUIRED PAID SICK  
11 LEAVE.—Section 7001 of division G of the Families First  
12 Coronavirus Response Act is amended—

13 (1) in subsection (b)(4)(A)—

14 (A) by striking "(A) In general.—If the  
15 amount" and inserting "(A)(i) Credit is refund-  
16 able.—If the amount"; and

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

18 "(ii) ADVANCING CREDIT.—In antici-  
19 pation of the credit, including the refund-  
20 able portion under clause (i), the credit  
21 may be advanced, according to forms and  
22 instructions provided by the Secretary, up  
23 to an amount calculated under subsection  
24 (a), subject to the limits under subsection

1 (b), both calculated through the end of the  
2 most recent payroll period in the quarter.”;

3 (2) in subsection (f)—

4 (A) in paragraph (4), by striking “, and”  
5 and inserting a comma;

6 (B) in paragraph (5), by striking the pe-  
7 riod at the end and inserting “, and”; and

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

9 “(6) regulations or other guidance to permit the  
10 advancement of the credit determined under sub-  
11 section (a).”; and

12 (3) by inserting after subsection (h) the fol-  
13 lowing new subsection:

14 “(i) TREATMENT OF DEPOSITS.—The Secretary of  
15 the Treasury (or the Secretary’s delegate) shall waive any  
16 penalty under section 6656 of the Internal Revenue Code  
17 of 1986 for any failure to make a deposit of the tax im-  
18 posed by section 3111(a) or 3221(a) of such Code if the  
19 Secretary determines that such failure was due to the an-  
20 ticipation of the credit allowed under this section.”.

21 (b) PAYROLL CREDIT FOR REQUIRED PAID FAMILY  
22 LEAVE.—Section 7003 of division G of the Families First  
23 Coronavirus Response Act is amended—

24 (1) in subsection (b)(3)—

1 (A) by striking “If the amount” and in-  
2 serting “(A) Credit is refundable.—If the  
3 amount”; and

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

5 “(B) ADVANCING CREDIT.—In anticipation  
6 of the credit, including the refundable portion  
7 under subparagraph (A), the credit may be ad-  
8 vanced, according to forms and instructions  
9 provided by the Secretary, up to an amount cal-  
10 culated under subsection (a), subject to the lim-  
11 its under subsection (b), both calculated  
12 through the end of the most recent payroll pe-  
13 riod in the quarter.”;

14 (2) in subsection (f)—

15 (A) in paragraph (4), by striking “, and”  
16 and inserting a comma;

17 (B) in paragraph (5), by striking the pe-  
18 riod at the end and inserting “, and”; and

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

20 “(6) regulations or other guidance to permit the  
21 advancement of the credit determined under sub-  
22 section (a).”; and

23 (c) by inserting after subsection (h) the following new  
24 subsection:





1 plan years beginning on or before December 31,  
2 2021, a plan shall not fail to be treated as a  
3 high deductible health plan by reason of failing  
4 to have a deductible for telehealth and other re-  
5 mote care services.”.

6 (b) CERTAIN COVERAGE DISREGARDED.—Clause (ii)  
7 of section 223(c)(1)(B) of the Internal Revenue Code of  
8 1986 is amended by striking “or long-term care” and in-  
9 serting “long-term care, or (in the case of plan years be-  
10 ginning on or before December 31, 2021) telehealth and  
11 other remote care”.

12 (c) EFFECTIVE DATE.—The amendments made by  
13 this section shall take effect on the date of the enactment  
14 of this Act.

15 **SEC. 3702. INCLUSION OF CERTAIN OVER-THE-COUNTER**  
16 **MEDICAL PRODUCTS AS QUALIFIED MEDICAL**  
17 **EXPENSES.**

18 (a) HSAs.—Section 223(d)(2) of the Internal Rev-  
19 enue Code of 1986 is amended—

20 (1) by striking the last sentence of subpara-  
21 graph (A) and inserting the following: “For pur-  
22 poses of this subparagraph, amounts paid for men-  
23 strual care products shall be treated as paid for  
24 medical care.”; and

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

3           “(D) MENSTRUAL CARE PRODUCT.—For  
4 purposes of this paragraph, the term ‘menstrual  
5 care product’ means a tampon, pad, liner, cup,  
6 sponge, or similar product used by individuals  
7 with respect to menstruation or other genital-  
8 tract secretions.”.

9           (b) ARCHER MSAS.—Section 220(d)(2)(A) of such  
10 Code is amended by striking the last sentence and insert-  
11 ing the following: “For purposes of this subparagraph,  
12 amounts paid for menstrual care products (as defined in  
13 section 223(d)(2)(D)) shall be treated as paid for medical  
14 care.”.

15           (c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS  
16 AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Sec-  
17 tion 106 of such Code is amended by striking subsection  
18 (f) and inserting the following new subsection:

19           “(f) REIMBURSEMENTS FOR MENSTRUAL CARE  
20 PRODUCTS.—For purposes of this section and section  
21 105, expenses incurred for menstrual care products (as  
22 defined in section 223(d)(2)(D)) shall be treated as in-  
23 curred for medical care.”.

24           (d) EFFECTIVE DATES.—

1           (1) DISTRIBUTIONS FROM SAVINGS AC-  
2           COUNTS.—The amendment made by subsections (a)  
3           and (b) shall apply to amounts paid after December  
4           31, 2019.

5           (2) REIMBURSEMENTS.—The amendment made  
6           by subsection (c) shall apply to expenses incurred  
7           after December 31, 2019.

8   **SEC. 3703. INCREASING MEDICARE TELEHEALTH FLEXI-**  
9                                   **BILITIES DURING EMERGENCY PERIOD.**

10          Section 1135 of the Social Security Act (42 U.S.C.  
11   1320b–5) is amended—

12           (1) in subsection (b)(8), by striking “to an indi-  
13           vidual by a qualified provider (as defined in sub-  
14           section (g)(3))” and all that follows through the pe-  
15           riod and inserting “, the requirements of section  
16           1834(m).”; and

17           (2) in subsection (g), by striking paragraph (3).

18   **SEC. 3704. ENHANCING MEDICARE TELEHEALTH SERVICES**  
19                                   **FOR FEDERALLY QUALIFIED HEALTH CEN-**  
20                                   **TERS AND RURAL HEALTH CLINICS DURING**  
21                                   **EMERGENCY PERIOD.**

22          Section 1834(m) of the Social Security Act (42  
23   U.S.C. 1395m(m)) is amended—

1           (1) in the first sentence of paragraph (1), by  
2 striking “The Secretary” and inserting “Subject to  
3 paragraph (8), the Secretary”;

4           (2) in paragraph (2)(A), by striking “The Sec-  
5 retary” and inserting “Subject to paragraph (8), the  
6 Secretary”;

7           (3) in paragraph (4)—

8                 (A) in subparagraph (A), by striking “The  
9 term” and inserting “Subject to paragraph (8),  
10 the term”; and

11                (B) in subparagraph (F)(i), by striking  
12 “The term” and inserting “Subject to para-  
13 graph (8), the term”; and

14           (4) by adding at the end the following new  
15 paragraph:

16                 “(8) ENHANCING TELEHEALTH SERVICES FOR  
17 FEDERALLY QUALIFIED HEALTH CENTERS AND  
18 RURAL HEALTH CLINICS DURING EMERGENCY PE-  
19 RIOD.—

20                 “(A) IN GENERAL.—During the emergency  
21 period described in section 1135(g)(1)(B)—

22                         “(i) the Secretary shall pay for tele-  
23 health services that are furnished via a  
24 telecommunications system by a Federally  
25 qualified health center or a rural health

1 clinic to an eligible telehealth individual en-  
2 rolled under this part notwithstanding that  
3 the Federally qualified health center or  
4 rural clinic providing the telehealth service  
5 is not at the same location as the bene-  
6 ficiary;

7 “(ii) the amount of payment to a Fed-  
8 erally qualified health center or rural  
9 health clinic that serves as a distant site  
10 for such a telehealth service shall be deter-  
11 mined under subparagraph (B); and

12 “(iii) for purposes of this subsection—

13 “(I) the term ‘distant site’ in-  
14 cludes a Federally qualified health  
15 center or rural health clinic that fur-  
16 nishes a telehealth service to an eligi-  
17 ble telehealth individual; and

18 “(II) the term ‘telehealth serv-  
19 ices’ includes a rural health clinic  
20 service or Federally qualified health  
21 center service that is furnished using  
22 telehealth to the extent that payment  
23 codes corresponding to services identi-  
24 fied by the Secretary under clause (i)  
25 or (ii) of paragraph (4)(F) are listed

1 on the corresponding claim for such  
2 rural health clinic service or Federally  
3 qualified health center service.

4 “(B) SPECIAL PAYMENT RULE.—

5 “(i) IN GENERAL.—The Secretary  
6 shall develop and implement payment  
7 methods that apply under this subsection  
8 to a Federally qualified health center or  
9 rural health clinic that serves as a distant  
10 site that furnishes a telehealth service to  
11 an eligible telehealth individual during  
12 such emergency period. Such payment  
13 methods shall be based on payment rates  
14 that are similar to the national average  
15 payment rates for comparable telehealth  
16 services under the physician fee schedule  
17 under section 1848. Notwithstanding any  
18 other provision of law, the Secretary may  
19 implement such payment methods through  
20 program instruction or otherwise.

21 “(ii) EXCLUSION FROM FQHC PPS  
22 CALCULATION AND RHC AIR CALCULA-  
23 TION.—Costs associated with telehealth  
24 services shall not be used to determine the  
25 amount of payment for Federally qualified

1 health center services under the prospec-  
2 tive payment system under section 1834(o)  
3 or for rural health clinic services under the  
4 methodology for all-inclusive rates (estab-  
5 lished by the Secretary) under section  
6 1833(a)(3).”.

7 **SEC. 3705. TEMPORARY WAIVER OF REQUIREMENT FOR**  
8 **FACE-TO-FACE VISITS BETWEEN HOME DI-**  
9 **ALYSIS PATIENTS AND PHYSICIANS.**

10 Section 1881(b)(3)(B) of the Social Security Act (42  
11 U.S.C. 1395rr(b)(3)(B)) is amended—

12 (1) in clause (i), by striking “clause (ii)” and  
13 inserting “clauses (ii) and (iii)”;

14 (2) in clause (ii), in the matter preceding sub-  
15 clause (I), by striking “Clause (i)” and inserting  
16 “Except as provided in clause (iii), clause (i)”;

17 (3) by adding at the end the following new  
18 clause:

19 “(iii) The Secretary may waive the  
20 provisions of clause (ii) during the emer-  
21 gency period described in section  
22 1135(g)(1)(B).”.

1 **SEC. 3706. USE OF TELEHEALTH TO CONDUCT FACE-TO-**  
2 **FACE ENCOUNTER PRIOR TO RECERTIFI-**  
3 **CATION OF ELIGIBILITY FOR HOSPICE CARE**  
4 **DURING EMERGENCY PERIOD.**

5 Section 1814(a)(7)(D)(i) of the Social Security Act  
6 (42 U.S.C. 1395f(a)(7)(D)(i)) is amended—

7 (1) by striking “a hospice” and inserting “(I  
8 subject to subclause (II), a hospice”;

9 (2) by inserting after subclause (I), as added by  
10 paragraph (1), the following new subclause:

11 “(II) during the emergency period de-  
12 scribed in section 1135(g)(1)(B), a hospice  
13 physician or nurse practitioner may con-  
14 duct a face-to-face encounter required  
15 under this clause via telehealth, as deter-  
16 mined appropriate by the Secretary; and”.

17 **SEC. 3707. ENCOURAGING USE OF TELECOMMUNICATIONS**  
18 **SYSTEMS FOR HOME HEALTH SERVICES FUR-**  
19 **NISHED DURING EMERGENCY PERIOD.**

20 With respect to home health services (as defined in  
21 section 1861(m) of the Social Security Act (42 U.S.C.  
22 1395x(m)) that are furnished during the emergency period  
23 described in section 1135(g)(1)(B) of such Act (42 U.S.C.  
24 1320b-5(g)(1)(B)), the Secretary of Health and Human  
25 Services shall consider ways to encourage the use of tele-  
26 communications systems, including for remote patient



1 monitoring as described in section 409.46(e) of title 42,  
2 Code of Federal Regulations (or any successor regula-  
3 tions) and other communications or monitoring services,  
4 consistent with the plan of care for the individual, includ-  
5 ing by clarifying guidance and conducting outreach, as ap-  
6 propriate.

7 **SEC. 3708. IMPROVING CARE PLANNING FOR MEDICARE**  
8 **HOME HEALTH SERVICES.**

9 (a) PART A PROVISIONS.—Section 1814(a) of the So-  
10 cial Security Act (42 U.S.C. 1395f(a)) is amended—

11 (1) in paragraph (2)—

12 (A) in the matter preceding subparagraph  
13 (A), by inserting “, a nurse practitioner or clin-  
14 ical nurse specialist (as such terms are defined  
15 in section 1861(aa)(5)) who is working in ac-  
16 cordance with State law, or a physician assist-  
17 ant (as defined in section 1861(aa)(5)) under  
18 the supervision of a physician, who is” after “in  
19 the case of services described in subparagraph  
20 (C), a physician”; and

21 (B) in subparagraph (C)—

22 (i) by inserting “, a nurse practi-  
23 tioner, a clinical nurse specialist, or a phy-  
24 sician assistant (as the case may be)” after

1 “physician” the first 2 times it appears;  
2 and

3 (ii) by striking “, and, in the case of  
4 a certification made by a physician” and  
5 all that follows through “face-to-face en-  
6 counter” and inserting “, and, in the case  
7 of a certification made by a physician after  
8 January 1, 2010, or by a nurse practi-  
9 tioner, clinical nurse specialist, or physi-  
10 cian assistant (as the case may be) after a  
11 date specified by the Secretary (but in no  
12 case later than the date that is 6 months  
13 after the date of the enactment of the  
14 CARES Act), prior to making such certifi-  
15 cation a physician, nurse practitioner, clin-  
16 ical nurse specialist, or physician assistant  
17 must document that a physician, nurse  
18 practitioner, clinical nurse specialist, cer-  
19 tified nurse-midwife (as defined in section  
20 1861(gg)) as authorized by State law, or  
21 physician assistant has had a face-to-face  
22 encounter”;

23 (2) in the third sentence—

24 (A) by striking “physician certification”  
25 and inserting “certification”;

1 (B) by inserting “(or in the case of regula-  
2 tions to implement the amendments made by  
3 section 3708 of the CARES Act, the Secretary  
4 shall prescribe regulations, which shall become  
5 effective no later than 6 months after the date  
6 of the enactment of such Act)” after “1981”;  
7 and

8 (C) by striking “a physician who” and in-  
9 serting “a physician, nurse practitioner, clinical  
10 nurse specialist, or physician assistant who”;

11 (3) in the fourth sentence, by inserting “, nurse  
12 practitioner, clinical nurse specialist, or physician as-  
13 sistant” after “physician”; and

14 (4) in the fifth sentence—

15 (A) by inserting “or no later than 6  
16 months after the date of the enactment of the  
17 CARES Act for purposes of documentation for  
18 certification and recertification made under  
19 paragraph (2) by a nurse practitioner, clinical  
20 nurse specialist, or physician assistant,” after  
21 “January 1, 2019”; and

22 (B) by inserting “, nurse practitioner, clin-  
23 ical nurse specialist, or physician assistant”  
24 after “of the physician”.

1 (b) PART B PROVISIONS.—Section 1835(a) of the So-  
2 cial Security Act (42 U.S.C. 1395n(a)) is amended—

3 (1) in paragraph (2)—

4 (A) in the matter preceding subparagraph  
5 (A), by inserting “, a nurse practitioner or clin-  
6 ical nurse specialist (as those terms are defined  
7 in section 1861(aa)(5)) who is working in ac-  
8 cordance with State law, or a physician assist-  
9 ant (as defined in section 1861(aa)(5)) under  
10 the supervision of a physician, who is” after “in  
11 the case of services described in subparagraph  
12 (A), a physician”; and

13 (B) in subparagraph (A)—

14 (i) in each of clauses (ii) and (iii) of  
15 subparagraph (A) by inserting “, a nurse  
16 practitioner, a clinical nurse specialist, or a  
17 physician assistant (as the case may be)”  
18 after “physician”; and

19 (ii) in clause (iv), by striking “after  
20 January 1, 2010” and all that follows  
21 through “face-to-face encounter” and in-  
22 serting “made by a physician after Janu-  
23 ary 1, 2010, or by a nurse practitioner,  
24 clinical nurse specialist, or physician as-  
25 sistant (as the case may be) after a date

1 specified by the Secretary (but in no case  
2 later than the date that is 6 months after  
3 the date of the enactment of the CARES  
4 Act), prior to making such certification a  
5 physician, nurse practitioner, clinical nurse  
6 specialist, or physician assistant must doc-  
7 ument that a physician, nurse practitioner,  
8 clinical nurse specialist, certified nurse-  
9 midwife (as defined in section 1861(gg)) as  
10 authorized by State law, or physician as-  
11 sistant has had a face-to-face encounter”;

12 (2) in the third sentence, by inserting “, nurse  
13 practitioner, clinical nurse specialist, or physician as-  
14 sistant (as the case may be)” after physician;

15 (3) in the fourth sentence—

16 (A) by striking “physician certification”  
17 and inserting “certification”;

18 (B) by inserting “(or in the case of regula-  
19 tions to implement the amendments made by  
20 section 3708 of the CARES Act the Secretary  
21 shall prescribe regulations which shall become  
22 effective no later than 6 months after the enact-  
23 ment of such Act)” after “1981”; and

1 (C) by striking “a physician who” and in-  
2 serting “a physician, nurse practitioner, clinical  
3 nurse specialist, or physician assistant who”;

4 (4) in the fifth sentence, by inserting “, nurse  
5 practitioner, clinical nurse specialist, or physician as-  
6 sistant” after “physician”; and

7 (5) in the sixth sentence—

8 (A) by inserting “or no later than 6  
9 months after the date of the enactment of the  
10 CARES Act for purposes of documentation for  
11 certification and recertification made under  
12 paragraph (2) by a nurse practitioner, clinical  
13 nurse specialist, or physician assistant,” after  
14 “January 1, 2019”; and

15 (B) by inserting “, nurse practitioner, clin-  
16 ical nurse specialist, or physician assistant”  
17 after “of the physician”.

18 (c) DEFINITION PROVISIONS.—

19 (1) HOME HEALTH SERVICES.—Section  
20 1861(m) of the Social Security Act (42 U.S.C.  
21 1395x(m)) is amended—

22 (A) in the matter preceding paragraph  
23 (1)—

24 (i) by inserting “, a nurse practitioner  
25 or a clinical nurse specialist (as those

1 terms are defined in subsection (aa)(5)), or  
2 a physician assistant (as defined in sub-  
3 section (aa)(5))” after “physician” the  
4 first place it appears; and

5 (ii) by inserting “, a nurse practi-  
6 tioner, a clinical nurse specialist, or a phy-  
7 sician assistant” after “physician” the sec-  
8 ond place it appears; and

9 (B) in paragraph (3), by inserting “, a  
10 nurse practitioner, a clinical nurse specialist, or  
11 a physician assistant” after “physician”.

12 (2) HOME HEALTH AGENCY.—Section  
13 1861(o)(2) of the Social Security Act (42 U.S.C.  
14 1395x(o)(2)) is amended—

15 (A) by inserting “, nurse practitioners or  
16 clinical nurse specialists (as those terms are de-  
17 fined in subsection (aa)(5)), certified nurse-mid-  
18 wives (as defined in subsection (gg)), or physi-  
19 cian assistants (as defined in subsection  
20 (aa)(5))” after “physicians”; and

21 (B) by inserting “, nurse practitioner, clin-  
22 ical nurse specialist, certified nurse-midwife,  
23 physician assistant,” after “physician”.

24 (3) COVERED OSTEOPOROSIS DRUG.—Section  
25 1861(kk)(1) of the Social Security Act (42 U.S.C.

1 1395x(kk)(1)) is amended by inserting “, nurse  
2 practitioner or clinical nurse specialist (as those  
3 terms are defined in subsection (aa)(5)), certified  
4 nurse-midwife (as defined in subsection (gg)), or  
5 physician assistant (as defined in subsection  
6 (aa)(5))” after “attending physician”.

7 (d) HOME HEALTH PROSPECTIVE PAYMENT SYSTEM  
8 PROVISIONS.—Section 1895 of the Social Security Act (42  
9 U.S.C. 1395fff) is amended—

10 (1) in subsection (c)(1)—

11 (A) by striking “(provided under section  
12 1842(r))”; and

13 (B) by inserting “the nurse practitioner or  
14 clinical nurse specialist (as those terms are de-  
15 fined in section 1861(aa)(5)), or the physician  
16 assistant (as defined in section 1861(aa)(5))”  
17 after “physician”; and

18 (2) in subsection (e)—

19 (A) in paragraph (1)(A), by inserting “a  
20 nurse practitioner or clinical nurse specialist, or  
21 a physician assistant” after “physician”; and

22 (B) in paragraph (2)—

23 (i) in the heading, by striking “PHY-  
24 SICIAN CERTIFICATION” and inserting



1                   “RULE OF CONSTRUCTION REGARDING RE-  
2                   QUIREMENT FOR CERTIFICATION”; and

3                   (ii) by striking “physician”.

4           (e) APPLICATION TO MEDICAID.—The amendments  
5 made under this section shall apply under title XIX of the  
6 Social Security Act in the same manner and to the same  
7 extent as such requirements apply under title XVIII of  
8 such Act or regulations promulgated thereunder.

9           (f) EFFECTIVE DATE.—The Secretary of Health and  
10 Human Services shall prescribe regulations to apply the  
11 amendments made by this section to items and services  
12 furnished, which shall become effective no later than 6  
13 months after the date of the enactment of this legislation.  
14 The Secretary shall promulgate an interim final rule if  
15 necessary, to comply with the required effective date.

16 **SEC. 3709. ADJUSTMENT OF SEQUESTRATION.**

17           (a) TEMPORARY SUSPENSION OF MEDICARE SE-  
18 QUESTRATION.—During the period beginning on May 1,  
19 2020 and ending on December 31, 2020, the Medicare  
20 programs under title XVIII of the Social Security Act (42  
21 U.S.C. 1395 et seq.) shall be exempt from reduction under  
22 any sequestration order issued before, on, or after the date  
23 of enactment of this Act.

24           (b) EXTENSION OF DIRECT SPENDING REDUCTIONS  
25 THROUGH FISCAL YEAR 2030.—Section 251A(6) of the

1 Balanced Budget and Emergency Deficit Control Act of  
2 1985 (2 U.S.C. 901a(6)) is amended—

3 (1) in subparagraph (B), in the matter pre-  
4 ceding clause (i), by striking “through 2029” and  
5 inserting “through 2030”; and

6 (2) in subparagraph (C), in the matter pre-  
7 ceding clause (i), by striking “fiscal year 2029” and  
8 inserting “fiscal year 2030”.

9 **SEC. 3710. MEDICARE HOSPITAL INPATIENT PROSPECTIVE**  
10 **PAYMENT SYSTEM ADD-ON PAYMENT FOR**  
11 **COVID-19 PATIENTS DURING EMERGENCY PE-**  
12 **RIOD.**

13 (a) IN GENERAL.—Section 1886(d)(4)(C) of the So-  
14 cial Security Act (42 U.S.C. 1395ww(d)(4)(C)) is amend-  
15 ed by adding at the end the following new clause:

16 “(iv)(I) For discharges occurring during the emer-  
17 gency period described in section 1135(g)(1)(B), in the  
18 case of a discharge of an individual diagnosed with  
19 COVID-19, the Secretary shall increase the weighting fac-  
20 tor that would otherwise apply to the diagnosis-related  
21 group to which the discharge is assigned by 20 percent.  
22 The Secretary shall identify a discharge of such an indi-  
23 vidual through the use of diagnosis codes, condition codes,  
24 or other such means as may be necessary.

1 “(II) Any adjustment under subclause (I) shall not  
2 be taken into account in applying budget neutrality under  
3 clause (iii).”.

4 (b) IMPLEMENTATION.—Notwithstanding any other  
5 provision of law, the Secretary may implement the amend-  
6 ment made by subsection (a) by program instruction or  
7 otherwise.

8 **SEC. 3711. INCREASING ACCESS TO POST-ACUTE CARE DUR-**  
9 **ING EMERGENCY PERIOD.**

10 (a) WAIVER OF IRF 3-HOUR RULE.—With respect  
11 to inpatient rehabilitation services furnished by a rehabili-  
12 tation facility described in section 1886(j)(1) of the Social  
13 Security Act (42 U.S.C. 1395ww(j)(1)) during the emer-  
14 gency period described in section 1135(g)(1)(B) of the So-  
15 cial Security Act (42 U.S.C. 1320b–5(g)(1)(B)), the Sec-  
16 retary of Health and Human Services shall waive section  
17 412.622(a)(3)(ii) of title 42, Code of Federal Regulations  
18 (or any successor regulations), relating to the requirement  
19 that patients of an inpatient rehabilitation facility receive  
20 at least 15 hours of therapy per week.

21 (b) WAIVER OF SITE-NEUTRAL PAYMENT RATE PRO-  
22 VISIONS FOR LONG-TERM CARE HOSPITALS.—With re-  
23 spect to inpatient hospital services furnished by a long-  
24 term care hospital described in section 1886(d)(1)(B)(iv)  
25 of the Social Security Act (42 U.S.C.

1 1395ww(d)(1)(B)(iv)) during the emergency period de-  
2 scribed in section 1135(g)(1)(B) of the Social Security Act  
3 (42 U.S.C. 1320b-5(g)(1)(B)), the Secretary of Health  
4 and Human Services shall waive the following provisions  
5 of section 1886(m)(6) of such Act (42 U.S.C.  
6 1395ww(m)(6)):

7 (1) LTCH 50-PERCENT RULE.—Subparagraph  
8 (C)(ii) of such section, relating to the payment ad-  
9 justment for long-term care hospitals that do not  
10 have a discharge payment percentage for the period  
11 that is at least 50 percent.

12 (2) SITE-NEUTRAL IPPS PAYMENT RATE.—Sub-  
13 paragraph (A)(i) of such section, relating to the ap-  
14 plication of the site-neutral payment rate (and pay-  
15 ment shall be made to a long-term care hospital  
16 without regard to such section) for a discharge if the  
17 admission occurs during such emergency period and  
18 is in response to the public health emergency de-  
19 scribed in such section 1135(g)(1)(B).

20 **SEC. 3712. REVISING PAYMENT RATES FOR DURABLE MED-**  
21 **ICAL EQUIPMENT UNDER THE MEDICARE**  
22 **PROGRAM THROUGH DURATION OF EMER-**  
23 **GENCY PERIOD.**

24 (a) RURAL AND NONCONTIGUOUS AREAS.—The Sec-  
25 retary of Health and Human Services shall implement sec-

1 tion 414.210(g)(9)(iii) of title 42, Code of Federal Regula-  
2 tions (or any successor regulation), to apply the transition  
3 rule described in such section to all applicable items and  
4 services furnished in rural areas and noncontiguous areas  
5 (as such terms are defined for purposes of such section)  
6 as planned through December 31, 2020, and through the  
7 duration of the emergency period described in section  
8 1135(g)(1)(B) of the Social Security Act (42 U.S.C.  
9 1320b–5(g)(1)(B)), if longer.

10 (b) AREAS OTHER THAN RURAL AND NONCONTIG-  
11 UOUS AREAS.—With respect to items and services fur-  
12 nished on or after the date that is 30 days after the date  
13 of the enactment of this Act, the Secretary of Health and  
14 Human Services shall apply section 414.210(g)(9)(iv) of  
15 title 42, Code of Federal Regulations (or any successor  
16 regulation), as if the reference to “dates of service from  
17 June 1, 2018 through December 31, 2020, based on the  
18 fee schedule amount for the area is equal to 100 percent  
19 of the adjusted payment amount established under this  
20 section” were instead a reference to “dates of service from  
21 March 6, 2020, through the remainder of the duration of  
22 the emergency period described in section 1135(g)(1)(B)  
23 of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)),  
24 based on the fee schedule amount for the area is equal  
25 to 75 percent of the adjusted payment amount established

1 under this section and 25 percent of the unadjusted fee  
2 schedule amount”.

3 **SEC. 3713. COVERAGE OF THE COVID-19 VACCINE UNDER**  
4 **PART B OF THE MEDICARE PROGRAM WITH-**  
5 **OUT ANY COST-SHARING.**

6 (a) **MEDICAL AND OTHER HEALTH SERVICES.**—Sec-  
7 tion 1861(s)(10)(A) of the Social Security Act (42 U.S.C.  
8 1395x(s)(10)(A)) is amended by inserting “, and COVID-  
9 19 vaccine and its administration” after “influenza vac-  
10 cine and its administration”.

11 (b) **PART B DEDUCTIBLE.**—The first sentence of sec-  
12 tion 1833(b) of the Social Security Act (42 U.S.C.  
13 1395l(b)) is amended—

14 (1) in paragraph (10), by striking “and” at the  
15 end; and

16 (2) in paragraph (11), by striking the period at  
17 the end and inserting “, and (12) such deductible  
18 shall not apply with respect a COVID-19 vaccine  
19 and its administration described in section  
20 1861(s)(10)(A).”.

21 (c) **EFFECTIVE DATE.**—The amendments made by  
22 this section shall take effect on the date of enactment of  
23 this Act and shall apply with respect to a COVID-19 vac-  
24 cine beginning on the date that such vaccine is licensed

1 under section 351 of the Public Health Service Act (42  
2 U.S.C. 262).

3 (d) IMPLEMENTATION.—Notwithstanding any other  
4 provision of law, the Secretary may implement the provi-  
5 sions of, and the amendments made by, this section by  
6 program instruction or otherwise.

7 **SEC. 3714. REQUIRING MEDICARE PRESCRIPTION DRUG**  
8 **PLANS AND MA-PD PLANS TO ALLOW DURING**  
9 **THE COVID-19 EMERGENCY PERIOD FOR**  
10 **FILLS AND REFILLS OF COVERED PART D**  
11 **DRUGS FOR UP TO A 3-MONTH SUPPLY.**

12 (a) IN GENERAL.—Section 1860D–4(b) of the Social  
13 Security Act (42 U.S.C. 1395w–104(b)) is amended by  
14 adding at the end the following new paragraph:

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

17 “(A) IN GENERAL.—During the emergency  
18 period described in section 1135(g)(1)(B), sub-  
19 ject to subparagraph (B), a prescription drug  
20 plan or MA–PD plan shall, notwithstanding any  
21 cost and utilization management, medication  
22 therapy management, or other such programs  
23 under this part, permit a part D eligible indi-  
24 vidual enrolled in such plan to obtain in a sin-  
25 gular fill or refill, at the option of such individual,

1 the total day supply (not to exceed a 90-day  
2 supply) prescribed for such individual for a cov-  
3 ered part D drug.

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

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

13 **SEC. 3715. PROVIDING HOME AND COMMUNITY-BASED**  
14 **SERVICES IN ACUTE CARE HOSPITALS.**

15 Section 1902(h) of the Social Security Act (42 U.S.C.  
16 1396a(h)) is amended—

17 (1) by inserting “(1)” after “(h)”;

18 (2) by inserting “, home and community-based  
19 services provided under subsection (c), (d), or (i) of  
20 section 1915 or under a waiver or demonstration  
21 project under section 1115, self-directed personal as-  
22 sistance services provided pursuant to a written plan  
23 of care under section 1915(j), and home and com-  
24 munity-based attendant services and supports under  
25 section 1915(k)” before the period; and



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

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

6 “(A) identified in an individual’s person-cen-  
7 tered service plan (or comparable plan of care);

8 “(B) provided to meet needs of the individual  
9 that are not met through the provision of hospital  
10 services;

11 “(C) not a substitute for services that the hos-  
12 pital is obligated to provide through its conditions of  
13 participation or under Federal or State law, or  
14 under another applicable requirement; and

15 “(D) designed to ensure smooth transitions be-  
16 tween acute care settings and home and community-  
17 based settings, and to preserve the individual’s func-  
18 tional abilities.”.

19 **SEC. 3716. CLARIFICATION REGARDING UNINSURED INDI-**  
20 **VIDUALS.**

21 Subsection (ss) of section 1902 of the Social Security  
22 Act (42 U.S.C. 1396a), as added by section 6004(a)(3)(C)  
23 of the Families First Coronavirus Response Act, is amend-  
24 ed—



1       **Subtitle E—Health and Human**  
2                   **Services Extenders**

3                   **PART I—MEDICARE PROVISIONS**

4       **SEC. 3801. EXTENSION OF THE WORK GEOGRAPHIC INDEX**

5                   **FLOOR UNDER THE MEDICARE PROGRAM.**

6           Section 1848(e)(1)(E) of the Social Security Act (42  
7 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “May  
8 23, 2020” and inserting “December 1, 2020”.

9       **SEC. 3802. EXTENSION OF FUNDING FOR QUALITY MEAS-**

10                   **URE ENDORSEMENT, INPUT, AND SELECTION.**

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

13                   (1) in the first sentence, by striking “and  
14 \$4,830,000 for the period beginning on October 1,  
15 2019, and ending on May 22, 2020” and inserting  
16 “\$20,000,000 for fiscal year 2020, and for the pe-  
17 riod beginning on October 1, 2020, and ending on  
18 November 30, 2020, the amount equal to the pro  
19 rata portion of the amount appropriated for such pe-  
20 riod for fiscal year 2020”; and

21                   (2) in the third sentence, by striking “and 2019  
22 and for the period beginning on October 1, 2019,  
23 and ending on May 22, 2020” and inserting “,  
24 2019, and 2020, and for the period beginning on



1 2020, and Health Extenders Act of 2019 (Public  
2 Law 116–59), section 1402 of division B of the Fur-  
3 ther Continuing Appropriations Act, 2020, and Fur-  
4 ther Health Extenders Act of 2019 (Public Law  
5 116–69), and section 103 of division N of the Fur-  
6 ther Consolidated Appropriations Act, 2020 (Public  
7 Law 116–94) is amended by striking clauses (x)  
8 through (xii) and inserting the following new  
9 clauses:

10 “(x) for fiscal year 2020, of  
11 \$13,000,000; and

12 “(xi) for the period beginning on Oc-  
13 tober 1, 2020, and ending on November  
14 30, 2020, the amount equal to the pro rata  
15 portion of the amount appropriated for  
16 such period for fiscal year 2020.”.

17 (2) ADDITIONAL FUNDING FOR AREA AGENCIES  
18 ON AGING.—Subsection (b)(1)(B) of such section  
19 119, as so amended, is amended by striking clauses  
20 (x) through (xii) and inserting the following new  
21 clauses:

22 “(x) for fiscal year 2020, of  
23 \$7,500,000; and

24 “(xi) for the period beginning on Oc-  
25 tober 1, 2020, and ending on November



1                   30, 2020, the amount equal to the pro rata  
2                   portion of the amount appropriated for  
3                   such period for fiscal year 2020.”.

4           (b) **EFFECTIVE DATE.**—The amendments made by  
5 subsection (a) shall take effect as if included in the enact-  
6 ment of the Further Consolidated Appropriations Act,  
7 2020 (Public Law 116–94).

8                   **PART II—MEDICAID PROVISIONS**

9   **SEC. 3811. EXTENSION OF THE MONEY FOLLOWS THE PER-**  
10                   **SON REBALANCING DEMONSTRATION PRO-**  
11                   **GRAM.**

12           Section 6071(h) of the Deficit Reduction Act of 2005  
13 (42 U.S.C. 1396a note) is amended—

14           (1) in paragraph (1), by striking subparagraph  
15           (G) and inserting the following:

16                   “(G) subject to paragraph (3),  
17                   \$337,500,000 for the period beginning on Jan-  
18                   uary 1, 2020, and ending on September 30,  
19                   2020; and

20                   “(H) subject to paragraph (3), for the pe-  
21                   riod beginning on October 1, 2020, and ending  
22                   on November 30, 2020, the amount equal to  
23                   the pro rata portion of the amount appropriated  
24                   for such period for fiscal year 2020.”; and

1           (2) in paragraph (3), by striking “and (G)” and  
2           inserting “, (G), and (H)”.

3 **SEC. 3812. EXTENSION OF SPOUSAL IMPOVERISHMENT**  
4 **PROTECTIONS.**

5           (a) IN GENERAL.—Section 2404 of Public Law 111–  
6 148 (42 U.S.C. 1396r–5 note) is amended by striking  
7 “May 22, 2020” and inserting “November 30, 2020”.

8           (b) RULE OF CONSTRUCTION.—Nothing in section  
9 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note)  
10 or section 1902(a)(17) or 1924 of the Social Security Act  
11 (42 U.S.C. 1396a(a)(17), 1396r–5) shall be construed as  
12 prohibiting a State from—

13           (1) applying an income or resource disregard  
14 under a methodology authorized under section  
15 1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—

16           (A) to the income or resources of an indi-  
17 vidual described in section  
18 1902(a)(10)(A)(ii)(VI) of such Act (42 U.S.C.  
19 1396a(a)(10)(A)(ii)(VI)) (including a disregard  
20 of the income or resources of such individual’s  
21 spouse); or

22           (B) on the basis of an individual’s need for  
23 home and community-based services authorized  
24 under subsection (c), (d), (i), or (k) of section



1           1915 of such Act (42 U.S.C. 1396n) or under  
2           section 1115 of such Act (42 U.S.C. 1315); or  
3           (2) disregarding an individual’s spousal income  
4           and assets under a plan amendment to provide med-  
5           ical assistance for home and community-based serv-  
6           ices for individuals by reason of being determined el-  
7           igible under section 1902(a)(10)(C) of such Act (42  
8           U.S.C. 1396a(a)(10)(C)) or by reason of section  
9           1902(f) of such Act (42 U.S.C. 1396a(f)) or other-  
10          wise on the basis of a reduction of income based on  
11          costs incurred for medical or other remedial care  
12          under which the State disregarded the income and  
13          assets of the individual’s spouse in determining the  
14          initial and ongoing financial eligibility of an indi-  
15          vidual for such services in place of the spousal im-  
16          poverishment provisions applied under section 1924  
17          of such Act (42 U.S.C. 1396r-5).

18 **SEC. 3813. DELAY OF DSH REDUCTIONS.**

19          Section 1923(f)(7)(A) of the Social Security Act (42  
20          U.S.C. 1396r-4(f)(7)(A)) is amended—

21               (1) in clause (i), in the matter preceding sub-  
22               clause (I), by striking “May 23, 2020, and ending  
23               September 30, 2020, and for each of fiscal years  
24               2021” and inserting “December 1, 2020, and ending

1 September 30, 2021, and for each of fiscal years  
2 2022”; and

3 (2) in clause (ii)—

4 (A) in subclause (I), by striking “May 23,  
5 2020, and ending September 30, 2020” and in-  
6 serting “December 1, 2020, and ending Sep-  
7 tember 30, 2021”; and

8 (B) in subclause (II), by striking “2021”  
9 and inserting “2022”.

10 **SEC. 3814. EXTENSION OF COMMUNITY MENTAL HEALTH**  
11 **SERVICES DEMONSTRATION PROGRAM.**

12 Section 223(d)(3) of the Protecting Access to Medi-  
13 care Act of 2014 (42 U.S.C. 1396a note) is amended by  
14 striking “May 22, 2020” and inserting “November 30,  
15 2020”.

16 **PART III—HUMAN SERVICES AND OTHER**  
17 **HEALTH PROGRAMS**

18 **SEC. 3821. EXTENSION OF SEXUAL RISK AVOIDANCE EDU-**  
19 **CATION PROGRAM.**

20 Section 510 of the Social Security Act (42 U.S.C.  
21 710) is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1), in the matter pre-  
24 ceding subparagraph (A)—

1 (i) by striking “and 2019 and for the  
2 period beginning October 1, 2019, and  
3 ending May 22, 2020” and inserting  
4 “through 2020 and for the period begin-  
5 ning October 1, 2020, and ending Novem-  
6 ber 30, 2020”; and

7 (ii) by striking “fiscal year 2020” and  
8 inserting “fiscal year 2021”

9 (B) in paragraph (2)(A)—

10 (i) by striking “and 2019 and for the  
11 period beginning October 1, 2019, and  
12 ending May 22, 2020” and inserting  
13 “through 2020 and for the period begin-  
14 ning October 1, 2020, and ending Novem-  
15 ber 30, 2020”; and

16 (ii) by striking “fiscal year 2020” and  
17 inserting “fiscal year 2021”; and

18 (2) in subsection (f)(1), by striking “and 2019  
19 and \$48,287,671 for the period beginning October 1,  
20 2019, and ending May 22, 2020” and inserting  
21 “through 2020, and for the period beginning on Oc-  
22 tober 1, 2020, and ending on November 30, 2020,  
23 the amount equal to the pro rata portion of the  
24 amount appropriated for such period for fiscal year  
25 2020”.

1 **SEC. 3822. EXTENSION OF PERSONAL RESPONSIBILITY**  
2 **EDUCATION PROGRAM.**

3 Section 513 of the Social Security Act (42 U.S.C.  
4 713) is amended—

5 (1) in subsection (a)(1)—

6 (A) in subparagraph (A), in the matter  
7 preceding clause (i), by striking “2019 and for  
8 the period beginning October 1, 2019, and end-  
9 ing May 22, 2020” and inserting “2020 and for  
10 the period beginning October 1, 2020, and end-  
11 ing November 30, 2020”;

12 (B) in subparagraph (B)(i), by striking by  
13 striking “October 1, 2019, and ending May 22,  
14 2020” and inserting “October 1, 2020, and  
15 ending November 30, 2020”; and

16 (2) in subsection (f), by striking “2019 and  
17 \$48,287,671 for the period beginning October 1,  
18 2019, and ending May 22, 2020” and inserting  
19 “2020, and for the period beginning on October 1,  
20 2020, and ending on November 30, 2020, the  
21 amount equal to the pro rata portion of the amount  
22 appropriated for such period for fiscal year 2020”.

1 **SEC. 3823. EXTENSION OF DEMONSTRATION PROJECTS TO**  
2 **ADDRESS HEALTH PROFESSIONS WORK-**  
3 **FORCE NEEDS.**

4 Activities authorized by section 2008 of the Social Se-  
5 curity Act shall continue through November 30, 2020, in  
6 the manner authorized for fiscal year 2019, and out of  
7 any money in the Treasury of the United States not other-  
8 wise appropriated, there are hereby appropriated such  
9 sums as may be necessary for such purpose. Grants and  
10 payments may be made pursuant to this authority through  
11 the date so specified at the pro rata portion of the total  
12 amount authorized for such activities in fiscal year 2019.

13 **SEC. 3824. EXTENSION OF THE TEMPORARY ASSISTANCE**  
14 **FOR NEEDY FAMILIES PROGRAM AND RE-**  
15 **LATED PROGRAMS.**

16 Activities authorized by part A of title IV and section  
17 1108(b) of the Social Security Act shall continue through  
18 November 30, 2020, in the manner authorized for fiscal  
19 year 2019, and out of any money in the Treasury of the  
20 United States not otherwise appropriated, there are here-  
21 by appropriated such sums as may be necessary for such  
22 purpose.

1           **PART IV—PUBLIC HEALTH PROVISIONS**  
2   **SEC. 3831. EXTENSION FOR COMMUNITY HEALTH CENTERS,**  
3           **THE NATIONAL HEALTH SERVICE CORPS,**  
4           **AND TEACHING HEALTH CENTERS THAT OP-**  
5           **ERATE GME PROGRAMS.**

6           (a) COMMUNITY HEALTH CENTERS.—Section  
7 10503(b)(1)(F) of the Patient Protection and Affordable  
8 Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended by  
9 striking “and \$2,575,342,466 for the period beginning on  
10 October 1, 2019, and ending on May 22, 2020” and in-  
11 serting “\$4,000,000,000 for fiscal year 2020, and  
12 \$668,493,151 for the period beginning on October 1,  
13 2020, and ending on November 30, 2020”.

14           (b) NATIONAL HEALTH SERVICE CORPS.—Section  
15 10503(b)(2) of the Patient Protection and Affordable  
16 Care Act (42 U.S.C. 254b–2(b)(2)) is amended—

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

19                 (2) by striking subparagraph (G) and inserting  
20                 the following:

21                         “(G) \$310,000,000 for fiscal year 2020;

22                         and

23                         “(H) \$51,808,219 for the period beginning  
24                         on October 1, 2020, and ending on November  
25                         30, 2020.”.

1           (c) TEACHING HEALTH CENTERS THAT OPERATE  
2 GRADUATE MEDICAL EDUCATION PROGRAMS.—Section  
3 340H(g)(1) of the Public Health Service Act (42 U.S.C.  
4 256h(g)(1)) is amended by striking “and 2019, and  
5 \$81,445,205 for the period beginning on October 1, 2019,  
6 and ending on May 22, 2020” and inserting “through fis-  
7 cal year 2020, and \$21,141,096 for the period beginning  
8 on October 1, 2020, and ending on November 30, 2020”.

9           (d) APPLICATION OF PROVISIONS.—Amounts appro-  
10 priated pursuant to the amendments made by this section  
11 for fiscal years 2020 and 2021 shall be subject to the re-  
12 quirements contained in Public Law 116–94 for funds for  
13 programs authorized under sections 330 through 340 of  
14 the Public Health Service Act (42 U.S.C. 254 through  
15 256).

16           (e) CONFORMING AMENDMENT.—Paragraph (4) of  
17 section 3014(h) of title 18, United States Code, as amend-  
18 ed by section 401(e) of division N of Public Law 116–  
19 94, is amended by striking “section 401(d) of division N  
20 of the Further Consolidated Appropriations Act, 2020”  
21 and inserting “section 3831 of the CARES Act”.

22 **SEC. 3832. DIABETES PROGRAMS.**

23           (a) TYPE I.—Section 330B(b)(2)(D) of the Public  
24 Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is  
25 amended by striking “and 2019, and \$96,575,342 for the

1 period beginning on October 1, 2019, and ending on May  
2 22, 2020” and inserting “through 2020, and \$25,068,493  
3 for the period beginning on October 1, 2020, and ending  
4 on November 30, 2020”.

5 (b) INDIANS.—Section 330C(c)(2)(D) of the Public  
6 Health Service Act (42 U.S.C. 254e-3(c)(2)(D)) is  
7 amended by striking “and 2019, and \$96,575,342 for the  
8 period beginning on October 1, 2019, and ending on May  
9 22, 2020” and inserting “through 2020, and \$25,068,493  
10 for the period beginning on October 1, 2020, and ending  
11 on November 30, 2020”.

## 12 **PART V—MISCELLANEOUS PROVISIONS**

### 13 **SEC. 3841. PREVENTION OF DUPLICATE APPROPRIATIONS**

#### 14 **FOR FISCAL YEAR 2020.**

15 Expenditures made under any provision of law  
16 amended in this title pursuant to the amendments made  
17 by the Continuing Appropriations Act, 2020, and Health  
18 Extenders Act of 2019 (Public Law 116-59), the Further  
19 Continuing Appropriations Act, 2020, and Further Health  
20 Extenders Act of 2019 (Public Law 116-69), and the Fur-  
21 ther Consolidated Appropriations Act, 2020 (Public Law  
22 116-94) for fiscal year 2020 shall be charged to the appli-  
23 cable appropriation or authorization provided by the  
24 amendments made by this title to such provision of law  
25 for such fiscal year.



1           **Subtitle F—Over-the-Counter**  
2                           **Drugs**

3                           **PART I—OTC DRUG REVIEW**

4   **SEC. 3851. REGULATION OF CERTAIN NONPRESCRIPTION**  
5                           **DRUGS THAT ARE MARKETED WITHOUT AN**  
6                           **APPROVED DRUG APPLICATION.**

7           (a) IN GENERAL.—Chapter V of the Federal Food,  
8 Drug, and Cosmetic Act is amended by inserting after sec-  
9 tion 505F of such Act (21 U.S.C. 355g) the following:

10   **“SEC. 505G. REGULATION OF CERTAIN NONPRESCRIPTION**  
11                           **DRUGS THAT ARE MARKETED WITHOUT AN**  
12                           **APPROVED DRUG APPLICATION.**

13           “(a) NONPRESCRIPTION DRUGS MARKETED WITH-  
14 OUT AN APPROVED APPLICATION.—Nonprescription  
15 drugs marketed without an approved drug application  
16 under section 505, as of the date of the enactment of this  
17 section, shall be treated in accordance with this sub-  
18 section.

19                   “(1) DRUGS SUBJECT TO A FINAL MONOGRAPH;  
20           CATEGORY I DRUGS SUBJECT TO A TENTATIVE  
21           FINAL MONOGRAPH.—A drug is deemed to be gen-  
22           erally recognized as safe and effective under section  
23           201(p)(1), not a new drug under section 201(p), and  
24           not subject to section 503(b)(1), if—

25                   “(A) the drug is—

1           “(i) in conformity with the require-  
2           ments for nonprescription use of a final  
3           monograph issued under part 330 of title  
4           21, Code of Federal Regulations (except as  
5           provided in paragraph (2)), the general re-  
6           quirements for nonprescription drugs, and  
7           conditions or requirements under sub-  
8           sections (b), (c), and (k); and

9           “(ii) except as permitted by an order  
10          issued under subsection (b) or, in the case  
11          of a minor change in the drug, in con-  
12          formity with an order issued under sub-  
13          section (c), in a dosage form that, imme-  
14          diately prior to the date of the enactment  
15          of this section, has been used to a material  
16          extent and for a material time under sec-  
17          tion 201(p)(2); or

18          “(B) the drug is—

19                 “(i) classified in category I for safety  
20                 and effectiveness under a tentative final  
21                 monograph that is the most recently appli-  
22                 cable proposal or determination issued  
23                 under part 330 of title 21, Code of Federal  
24                 Regulations;

1           “(ii) in conformity with the proposed  
2 requirements for nonprescription use of  
3 such tentative final monograph, any appli-  
4 cable subsequent determination by the Sec-  
5 retary, the general requirements for non-  
6 prescription drugs, and conditions or re-  
7 quirements under subsections (b), (c), and  
8 (k); and

9           “(iii) except as permitted by an order  
10 issued under subsection (b) or, in the case  
11 of a minor change in the drug, in con-  
12 formity with an order issued under sub-  
13 section (c), in a dosage form that, imme-  
14 diately prior to the date of the enactment  
15 of this section, has been used to a material  
16 extent and for a material time under sec-  
17 tion 201(p)(2).

18           “(2) TREATMENT OF SUNSCREEN DRUGS.—  
19 With respect to sunscreen drugs subject to this sec-  
20 tion, the applicable requirements in terms of con-  
21 formity with a final monograph, for purposes of  
22 paragraph (1)(A)(i), shall be the requirements speci-  
23 fied in part 352 of title 21, Code of Federal Regula-  
24 tions, as published on May 21, 1999, beginning on  
25 page 27687 of volume 64 of the Federal Register,



1 drug in such preamble or in an appli-  
2 cable subsequent proposed rule;

3 “(II) the proposed requirements  
4 for drugs classified in such tentative  
5 final monograph in category I in the  
6 most recently proposed rule estab-  
7 lishing requirements related to such  
8 tentative final monograph and in any  
9 final rule establishing requirements  
10 that are applicable to the drug; and

11 “(III) the general requirements  
12 for nonprescription drugs and condi-  
13 tions or requirements under sub-  
14 section (b) or (k); and

15 “(iii) in a dosage form that, imme-  
16 diately prior to the date of the enactment  
17 of this section, had been used to a material  
18 extent and for a material time under sec-  
19 tion 201(p)(2); or

20 “(B) the drug is—

21 “(i) classified in category I for safety  
22 and effectiveness under a proposed mono-  
23 graph or advance notice of proposed rule-  
24 making that is the most recently applicable  
25 proposal or determination for such drug

1 issued under part 330 of title 21, Code of  
2 Federal Regulations;

3 “(ii) in conformity with the require-  
4 ments for nonprescription use of such pro-  
5 posed monograph or advance notice of pro-  
6 posed rulemaking, any applicable subse-  
7 quent determination by the Secretary, the  
8 general requirements for nonprescription  
9 drugs, and conditions or requirements  
10 under subsection (b) or (k); and

11 “(iii) in a dosage form that, imme-  
12 diately prior to the date of the enactment  
13 of this section, has been used to a material  
14 extent and for a material time under sec-  
15 tion 201(p)(2).

16 “(4) CATEGORY II DRUGS DEEMED NEW  
17 DRUGS.—A drug that is classified in category II for  
18 safety or effectiveness under a tentative final mono-  
19 graph or that is subject to a determination to be not  
20 generally recognized as safe and effective in a pro-  
21 posed rule that is the most recently applicable pro-  
22 posal issued under part 330 of title 21, Code of Fed-  
23 eral Regulations, shall be deemed to be a new drug  
24 under section 201(p), misbranded under section  
25 502(ee), and subject to the requirement for an ap-

1       proved new drug application under section 505 be-  
2       ginning on the day that is 180 calendar days after  
3       the date of the enactment of this section, unless, be-  
4       fore such day, the Secretary determines that it is in  
5       the interest of public health to extend the period  
6       during which the drug may be marketed without  
7       such an approved new drug application.

8           “(5) DRUGS NOT GRASE DEEMED NEW  
9       DRUGS.—A drug that the Secretary has determined  
10      not to be generally recognized as safe and effective  
11      under section 201(p)(1) under a final determination  
12      issued under part 330 of title 21, Code of Federal  
13      Regulations, shall be deemed to be a new drug under  
14      section 201(p), misbranded under section 502(ee),  
15      and subject to the requirement for an approved new  
16      drug application under section 505.

17           “(6) OTHER DRUGS DEEMED NEW DRUGS.—  
18      Except as provided in subsection (m), a drug is  
19      deemed to be a new drug under section 201(p) and  
20      misbranded under section 502(ee) if the drug—

21                   “(A) is not subject to section 503(b)(1);

22                   and

23                   “(B) is not described in paragraph (1),  
24                   (2), (3), (4), or (5), or subsection (b)(1)(B).

25           “(b) ADMINISTRATIVE ORDERS.—

1 “(1) IN GENERAL.—

2 “(A) DETERMINATION.—The Secretary  
3 may, on the initiative of the Secretary or at the  
4 request of one or more requestors, issue an ad-  
5 ministrative order determining whether there  
6 are conditions under which a specific drug, a  
7 class of drugs, or a combination of drugs, is de-  
8 termined to be—

9 “(i) not subject to section 503(b)(1);

10 and

11 “(ii) generally recognized as safe and  
12 effective under section 201(p)(1).

13 “(B) EFFECT.—A drug or combination of  
14 drugs shall be deemed to not require approval  
15 under section 505 if such drug or combination  
16 of drugs—

17 “(i) is determined by the Secretary to  
18 meet the conditions specified in clauses (i)  
19 and (ii) of subparagraph (A);

20 “(ii) is marketed in conformity with  
21 an administrative order under this sub-  
22 section;

23 “(iii) meets the general requirements  
24 for nonprescription drugs; and



1                   “(iv) meets the requirements under  
2                   subsections (e) and (k).

3                   “(C) STANDARD.—The Secretary shall find  
4                   that a drug is not generally recognized as safe  
5                   and effective under section 201(p)(1) if—

6                   “(i) the evidence shows that the drug  
7                   is not generally recognized as safe and ef-  
8                   fective under section 201(p)(1); or

9                   “(ii) the evidence is inadequate to  
10                  show that the drug is generally recognized  
11                  as safe and effective under section  
12                  201(p)(1).

13                  “(2) ADMINISTRATIVE ORDERS INITIATED BY  
14                  THE SECRETARY.—

15                  “(A) IN GENERAL.—In issuing an adminis-  
16                  trative order under paragraph (1) upon the  
17                  Secretary’s initiative, the Secretary shall—

18                  “(i) make reasonable efforts to notify  
19                  informally, not later than 2 business days  
20                  before the issuance of the proposed order,  
21                  the sponsors of drugs who have a listing in  
22                  effect under section 510(j) for the drugs or  
23                  combination of drugs that will be subject  
24                  to the administrative order;

1 “(ii) after any such reasonable efforts  
2 of notification—

3 “(I) issue a proposed administra-  
4 tive order by publishing it on the  
5 website of the Food and Drug Admin-  
6 istration and include in such order the  
7 reasons for the issuance of such order;  
8 and

9 “(II) publish a notice of avail-  
10 ability of such proposed order in the  
11 Federal Register;

12 “(iii) except as provided in subpara-  
13 graph (B), provide for a public comment  
14 period with respect to such proposed order  
15 of not less than 45 calendar days; and

16 “(iv) if, after completion of the pro-  
17 ceedings specified in clauses (i) through  
18 (iii), the Secretary determines that it is ap-  
19 propriate to issue a final administrative  
20 order—

21 “(I) issue the final administrative  
22 order, together with a detailed state-  
23 ment of reasons, which order shall not  
24 take effect until the time for request-

1           ing judicial review under paragraph  
2           (3)(D)(ii) has expired;

3           “**(II)** publish a notice of such  
4           final administrative order in the Fed-  
5           eral Register;

6           “**(III)** afford requestors of drugs  
7           that will be subject to such order the  
8           opportunity for formal dispute resolu-  
9           tion up to the level of the Director of  
10          the Center for Drug Evaluation and  
11          Research, which initially must be re-  
12          quested within 45 calendar days of  
13          the issuance of the order, and, for  
14          subsequent levels of appeal, within 30  
15          calendar days of the prior decision;  
16          and

17          “**(IV)** except with respect to  
18          drugs described in paragraph (3)(B),  
19          upon completion of the formal dispute  
20          resolution procedure, inform the per-  
21          sons which sought such dispute reso-  
22          lution of their right to request a hear-  
23          ing.

24          “**(B) EXCEPTIONS.**—When issuing an ad-  
25          ministrative order under paragraph (1) on the

1 Secretary's initiative proposing to determine  
2 that a drug described in subsection (a)(3) is not  
3 generally recognized as safe and effective under  
4 section 201(p)(1), the Secretary shall follow the  
5 procedures in subparagraph (A), except that—

6 “(i) the proposed order shall include  
7 notice of—

8 “(I) the general categories of  
9 data the Secretary has determined  
10 necessary to establish that the drug is  
11 generally recognized as safe and effec-  
12 tive under section 201(p)(1); and

13 “(II) the format for submissions  
14 by interested persons;

15 “(ii) the Secretary shall provide for a  
16 public comment period of no less than 180  
17 calendar days with respect to such pro-  
18 posed order, except when the Secretary de-  
19 termines, for good cause, that a shorter pe-  
20 riod is in the interest of public health; and

21 “(iii) any person who submits data in  
22 such comment period shall include a cer-  
23 tification that the person has submitted all  
24 evidence created, obtained, or received by  
25 that person that is both within the cat-

1           egories of data identified in the proposed  
2           order and relevant to a determination as to  
3           whether the drug is generally recognized as  
4           safe and effective under section 201(p)(1).

5           “(3) HEARINGS; JUDICIAL REVIEW.—

6           “(A) IN GENERAL.—Only a person who  
7           participated in each stage of formal dispute res-  
8           olution under subclause (III) of paragraph  
9           (2)(A)(iv) of an administrative order with re-  
10          spect to a drug may request a hearing con-  
11          cerning a final administrative order issued  
12          under such paragraph with respect to such  
13          drug. If a hearing is sought, such person must  
14          submit a request for a hearing, which shall be  
15          based solely on information in the administra-  
16          tive record, to the Secretary not later than 30  
17          calendar days after receiving notice of the final  
18          decision of the formal dispute resolution proce-  
19          dure.

20          “(B) NO HEARING REQUIRED WITH RE-  
21          SPECT TO ORDERS RELATING TO CERTAIN  
22          DRUGS.—

23          “(i) IN GENERAL.—The Secretary  
24          shall not be required to provide notice and  
25          an opportunity for a hearing pursuant to

1 paragraph (2)(A)(iv) if the final adminis-  
2 trative order involved relates to a drug—

3 “(I) that is described in sub-  
4 section (a)(3)(A); and

5 “(II) with respect to which no  
6 human or non-human data studies rel-  
7 evant to the safety or effectiveness of  
8 such drug have been submitted to the  
9 administrative record since the  
10 issuance of the most recent tentative  
11 final monograph relating to such  
12 drug.

13 “(ii) HUMAN DATA STUDIES AND  
14 NON-HUMAN DATA DEFINED.—In this sub-  
15 paragraph:

16 “(I) The term ‘human data stud-  
17 ies’ means clinical trials of safety or  
18 effectiveness (including actual use  
19 studies), pharmacokinetics studies, or  
20 bioavailability studies.

21 “(II) The term ‘non-human data’  
22 means data from testing other than  
23 with human subjects which provides  
24 information concerning safety or ef-  
25 fectiveness.

1 “(C) HEARING PROCEDURES.—

2 “(i) DENIAL OF REQUEST FOR HEAR-  
3 ING.—If the Secretary determines that in-  
4 formation submitted in a request for a  
5 hearing under subparagraph (A) with re-  
6 spect to a final administrative order issued  
7 under paragraph (2)(A)(iv) does not iden-  
8 tify the existence of a genuine and sub-  
9 stantial question of material fact, the Sec-  
10 retary may deny such request. In making  
11 such a determination, the Secretary may  
12 consider only information and data that  
13 are based on relevant and reliable scientific  
14 principles and methodologies.

15 “(ii) SINGLE HEARING FOR MULTIPLE  
16 RELATED REQUESTS.—If more than one  
17 request for a hearing is submitted with re-  
18 spect to the same administrative order  
19 under subparagraph (A), the Secretary  
20 may direct that a single hearing be con-  
21 ducted in which all persons whose hearing  
22 requests were granted may participate.

23 “(iii) PRESIDING OFFICER.—The pre-  
24 siding officer of a hearing requested under  
25 subparagraph (A) shall—

1                   “(I) be designated by the Sec-  
2                   retary;

3                   “(II) not be an employee of the  
4                   Center for Drug Evaluation and Re-  
5                   search; and

6                   “(III) not have been previously  
7                   involved in the development of the ad-  
8                   ministrative order involved or pro-  
9                   ceedings relating to that administra-  
10                  tive order.

11                  “(iv) RIGHTS OF PARTIES TO HEAR-  
12                  ING.—The parties to a hearing requested  
13                  under subparagraph (A) shall have the  
14                  right to present testimony, including testi-  
15                  mony of expert witnesses, and to cross-ex-  
16                  amine witnesses presented by other parties.  
17                  Where appropriate, the presiding officer  
18                  may require that cross-examination by par-  
19                  ties representing substantially the same in-  
20                  terests be consolidated to promote effi-  
21                  ciency and avoid duplication.

22                  “(v) FINAL DECISION.—

23                  “(I) At the conclusion of a hear-  
24                  ing requested under subparagraph  
25                  (A), the presiding officer of the hear-



1                   ing shall issue a decision containing  
2                   findings of fact and conclusions of  
3                   law. The decision of the presiding offi-  
4                   cer shall be final.

5                   “(II) The final decision may not  
6                   take effect until the period under sub-  
7                   paragraph (D)(ii) for submitting a re-  
8                   quest for judicial review of such deci-  
9                   sion expires.

10                   “(D) JUDICIAL REVIEW OF FINAL ADMIN-  
11                   ISTRATIVE ORDER.—

12                   “(i) IN GENERAL.—The procedures  
13                   described in section 505(h) shall apply  
14                   with respect to judicial review of final ad-  
15                   ministrative orders issued under this sub-  
16                   section in the same manner and to the  
17                   same extent as such section applies to an  
18                   order described in such section except that  
19                   the judicial review shall be taken by filing  
20                   in an appropriate district court of the  
21                   United States in lieu of the appellate  
22                   courts specified in such section.

23                   “(ii) PERIOD TO SUBMIT A REQUEST  
24                   FOR JUDICIAL REVIEW.—A person eligible  
25                   to request a hearing under this paragraph

1 and seeking judicial review of a final ad-  
2 ministrative order issued under this sub-  
3 section shall file such request for judicial  
4 review not later than 60 calendar days  
5 after the latest of—

6 “(I) the date on which notice of  
7 such order is published;

8 “(II) the date on which a hearing  
9 with respect to such order is denied  
10 under subparagraph (B) or (C)(i);

11 “(III) the date on which a final  
12 decision is made following a hearing  
13 under subparagraph (C)(v); or

14 “(IV) if no hearing is requested,  
15 the date on which the time for re-  
16 questing a hearing expires.

17 “(4) EXPEDITED PROCEDURE WITH RESPECT  
18 TO ADMINISTRATIVE ORDERS INITIATED BY THE  
19 SECRETARY.—

20 “(A) IMMINENT HAZARD TO THE PUBLIC  
21 HEALTH.—

22 “(i) IN GENERAL.—In the case of a  
23 determination by the Secretary that a  
24 drug, class of drugs, or combination of  
25 drugs subject to this section poses an im-

1           minent hazard to the public health, the  
2           Secretary, after first making reasonable ef-  
3           forts to notify, not later than 48 hours be-  
4           fore issuance of such order under this sub-  
5           paragraph, sponsors who have a listing in  
6           effect under section 510(j) for such drug  
7           or combination of drugs—

8                   “(I) may issue an interim final  
9                   administrative order for such drug,  
10                  class of drugs, or combination of  
11                  drugs under paragraph (1), together  
12                  with a detailed statement of the rea-  
13                  sons for such order;

14                  “(II) shall publish in the Federal  
15                  Register a notice of availability of any  
16                  such order; and

17                  “(III) shall provide for a public  
18                  comment period of at least 45 cal-  
19                  endar days with respect to such in-  
20                  terim final order.

21                  “(ii) NONDELEGATION.—The Sec-  
22                  retary may not delegate the authority to  
23                  issue an interim final administrative order  
24                  under this subparagraph.

25                  “(B) SAFETY LABELING CHANGES.—

1                   “(i) IN GENERAL.—In the case of a  
2                   determination by the Secretary that a  
3                   change in the labeling of a drug, class of  
4                   drugs, or combination of drugs subject to  
5                   this section is reasonably expected to miti-  
6                   gate a significant or unreasonable risk of  
7                   a serious adverse event associated with use  
8                   of the drug, the Secretary may—

9                   “(I) make reasonable efforts to  
10                  notify informally, not later than 48  
11                  hours before the issuance of the in-  
12                  terim final order, the sponsors of  
13                  drugs who have a listing in effect  
14                  under section 510(j) for such drug or  
15                  combination of drugs;

16                  “(II) after reasonable efforts of  
17                  notification, issue an interim final ad-  
18                  ministrative order in accordance with  
19                  paragraph (1) to require such change,  
20                  together with a detailed statement of  
21                  the reasons for such order;

22                  “(III) publish in the Federal  
23                  Register a notice of availability of  
24                  such order; and

1                   “(IV) provide for a public com-  
2                   ment period of at least 45 calendar  
3                   days with respect to such interim final  
4                   order.

5                   “(ii) CONTENT OF ORDER.—An in-  
6                   terim final order issued under this sub-  
7                   paragraph with respect to the labeling of a  
8                   drug may provide for new warnings and  
9                   other information required for safe use of  
10                  the drug.

11                  “(C) EFFECTIVE DATE.—An order under  
12                  subparagraph (A) or (B) shall take effect on a  
13                  date specified by the Secretary.

14                  “(D) FINAL ORDER.—After the completion  
15                  of the proceedings in subparagraph (A) or (B),  
16                  the Secretary shall—

17                         “(i) issue a final order in accordance  
18                         with paragraph (1);

19                         “(ii) publish a notice of availability of  
20                         such final administrative order in the Fed-  
21                         eral Register; and

22                         “(iii) afford sponsors of such drugs  
23                         that will be subject to such an order the  
24                         opportunity for formal dispute resolution  
25                         up to the level of the Director of the Cen-



1 or (B), issue a final order in accord-  
2 ance with paragraph (1); and

3 “(II) not later than 12 months  
4 after the date on which such final  
5 order is issued, complete any hearing  
6 under subparagraph (E).

7 “(ii) DISPUTE RESOLUTION RE-  
8 QUEST.—The Secretary shall specify in an  
9 interim final order issued under subpara-  
10 graph (A) or (B) such shorter periods for  
11 requesting dispute resolution under sub-  
12 paragraph (D)(iii) as are necessary to  
13 meet the requirements of this subpara-  
14 graph.

15 “(G) JUDICIAL REVIEW.—A final order  
16 issued pursuant to subparagraph (F) shall be  
17 subject to judicial review in accordance with  
18 paragraph (3)(D).

19 “(5) ADMINISTRATIVE ORDER INITIATED AT  
20 THE REQUEST OF A REQUESTOR.—

21 “(A) IN GENERAL.—In issuing an adminis-  
22 trative order under paragraph (1) at the re-  
23 quest of a requestor with respect to certain  
24 drugs, classes of drugs, or combinations of  
25 drugs—

1           “(i) the Secretary shall, after receiv-  
2           ing a request under this subparagraph, de-  
3           termine whether the request is sufficiently  
4           complete and formatted to permit a sub-  
5           stantive review;

6           “(ii) if the Secretary determines that  
7           the request is sufficiently complete and for-  
8           matted to permit a substantive review, the  
9           Secretary shall—

10                   “(I) file the request; and

11                   “(II) initiate proceedings with re-  
12                   spect to issuing an administrative  
13                   order in accordance with paragraphs  
14                   (2) and (3); and

15           “(iii) except as provided in paragraph  
16           (6), if the Secretary determines that a re-  
17           quest does not meet the requirements for  
18           filing or is not sufficiently complete and  
19           formatted to permit a substantive review,  
20           the requestor may demand that the request  
21           be filed over protest, and the Secretary  
22           shall initiate proceedings to review the re-  
23           quest in accordance with paragraph (2)(A).

24           “(B) REQUEST TO INITIATE PRO-  
25           CEEDINGS.—



1                   “(i) IN GENERAL.—A requestor seek-  
2                   ing an administrative order under para-  
3                   graph (1) with respect to certain drugs,  
4                   classes of drugs, or combinations of drugs,  
5                   shall submit to the Secretary a request to  
6                   initiate proceedings for such order in the  
7                   form and manner as specified by the Sec-  
8                   retary. Such requestor may submit a re-  
9                   quest under this subparagraph for the  
10                  issuance of an administrative order—

11                   “(I) determining whether a drug  
12                   is generally recognized as safe and ef-  
13                   fective under section 201(p)(1), ex-  
14                   empt from section 503(b)(1), and not  
15                   required to be the subject of an ap-  
16                   proved application under section 505;  
17                   or

18                   “(II) determining whether a  
19                   change to a condition of use of a drug  
20                   is generally recognized as safe and ef-  
21                   fective under section 201(p)(1), ex-  
22                   empt from section 503(b)(1), and not  
23                   required to be the subject of an ap-  
24                   proved application under section 505,

1 if, absent such a changed condition of  
2 use, such drug is—

3 “(aa) generally recognized  
4 as safe and effective under sec-  
5 tion 201(p)(1) in accordance with  
6 subsection (a)(1), (a)(2), or an  
7 order under this subsection; or

8 “(bb) subject to subsection  
9 (a)(3), but only if such requestor  
10 initiates such request in conjunc-  
11 tion with a request for the Sec-  
12 retary to determine whether such  
13 drug is generally recognized as  
14 safe and effective under section  
15 201(p)(1), which is filed by the  
16 Secretary under subparagraph  
17 (A)(ii).

18 “(ii) EXCEPTION.—The Secretary is  
19 not required to complete review of a re-  
20 quest for a change described in clause  
21 (i)(II) if the Secretary determines that  
22 there is an inadequate basis to find the  
23 drug is generally recognized as safe and ef-  
24 fective under section 201(p)(1) under para-

1 graph (1) and issues a final order an-  
2 nouncing that determination.

3 “(iii) WITHDRAWAL.—The requestor  
4 may withdraw a request under this para-  
5 graph, according to the procedures set  
6 forth pursuant to subsection (d)(2)(B).  
7 Notwithstanding any other provision of  
8 this section, if such request is withdrawn,  
9 the Secretary may cease proceedings under  
10 this subparagraph.

11 “(C) EXCLUSIVITY.—

12 “(i) IN GENERAL.—A final adminis-  
13 trative order issued in response to a re-  
14 quest under this section shall have the ef-  
15 fect of authorizing solely the order re-  
16 questor (or the licensees, assignees, or suc-  
17 cessors in interest of such requestor with  
18 respect to the subject of such order), for a  
19 period of 18 months following the effective  
20 date of such final order and beginning on  
21 the date the requestor may lawfully market  
22 such drugs pursuant to the order, to mar-  
23 ket drugs—

24 “(I) incorporating changes de-  
25 scribed in clause (ii); and

1                   “(II) subject to the limitations  
2                   under clause (iv).

3                   “(ii) CHANGES DESCRIBED.—A  
4                   change described in this clause is a change  
5                   subject to an order specified in clause (i),  
6                   which—

7                   “(I) provides for a drug to con-  
8                   tain an active ingredient (including  
9                   any ester or salt of the active ingre-  
10                  dient) not previously incorporated in a  
11                  drug described in clause (iii); or

12                  “(II) provides for a change in the  
13                  conditions of use of a drug, for which  
14                  new human data studies conducted or  
15                  sponsored by the requestor (or for  
16                  which the requestor has an exclusive  
17                  right of reference) were essential to  
18                  the issuance of such order.

19                  “(iii) DRUGS DESCRIBED.—The drugs  
20                  described in this clause are drugs—

21                  “(I) specified in subsection  
22                  (a)(1), (a)(2), or (a)(3);

23                  “(II) subject to a final order  
24                  issued under this section;

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1                   “(III) subject to a final sun-  
2                   screen order (as defined in section  
3                   586(2)(A)); or

4                   “(IV) described in subsection  
5                   (m)(1), other than drugs subject to an  
6                   active enforcement action under chap-  
7                   ter III of this Act.

8                   “(iv)   LIMITATIONS   ON   EXCLU-  
9                   SIVITY.—

10                   “(I) IN GENERAL.—Only one 18-  
11                   month period under this subpara-  
12                   graph shall be granted, under each  
13                   order described in clause (i), with re-  
14                   spect to changes (to the drug subject  
15                   to such order) which are either—

16                   “(aa) changes described in  
17                   clause (ii)(I), relating to active  
18                   ingredients; or

19                   “(bb) changes described in  
20                   clause (ii)(II), relating to condi-  
21                   tions of use.

22                   “(II)   NO   EXCLUSIVITY   AL-  
23                   LOWED.—No exclusivity shall apply to  
24                   changes to a drug which are—

1                   “(aa) the subject of a Tier 2  
2 OTC monograph order request  
3 (as defined in section 744L);

4                   “(bb) safety-related changes,  
5 as defined by the Secretary, or  
6 any other changes the Secretary  
7 considers necessary to assure  
8 safe use; or

9                   “(cc) changes related to  
10 methods of testing safety or effi-  
11 cacy.

12                   “(v) NEW HUMAN DATA STUDIES DE-  
13 FINED.—In this subparagraph, the term  
14 ‘new human data studies’ means clinical  
15 trials of safety or effectiveness (including  
16 actual use studies), pharmacokinetics stud-  
17 ies, or bioavailability studies, the results of  
18 which—

19                   “(I) have not been relied on by  
20 the Secretary to support—

21                   “(aa) a proposed or final de-  
22 termination that a drug described  
23 in subclause (I), (II), or (III) of  
24 clause (iii) is generally recognized

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1 as safe and effective under sec-  
2 tion 201(p)(1); or

3 “(bb) approval of a drug  
4 that was approved under section  
5 505; and

6 “(II) do not duplicate the results  
7 of another study that was relied on by  
8 the Secretary to support—

9 “(aa) a proposed or final de-  
10 termination that a drug described  
11 in subclause (I), (II), or (III) of  
12 clause (iii) is generally recognized  
13 as safe and effective under sec-  
14 tion 201(p)(1); or

15 “(bb) approval of a drug  
16 that was approved under section  
17 505.

18 “(vi) NOTIFICATION OF DRUG NOT  
19 AVAILABLE FOR SALE.—A requestor that  
20 is granted exclusivity with respect to a  
21 drug under this subparagraph shall notify  
22 the Secretary in writing within 1 year of  
23 the issuance of the final administrative  
24 order if the drug that is the subject of  
25 such order will not be available for sale

1 within 1 year of the date of issuance of  
2 such order. The requestor shall include  
3 with such notice the—

4 “(I) identity of the drug by es-  
5 tablished name and by proprietary  
6 name, if any;

7 “(II) strength of the drug;

8 “(III) date on which the drug  
9 will be available for sale, if known;  
10 and

11 “(IV) reason for not marketing  
12 the drug after issuance of the order.

13 “(6) INFORMATION REGARDING SAFE NON-  
14 PRESCRIPTION MARKETING AND USE AS CONDITION  
15 FOR FILING A GENERALLY RECOGNIZED AS SAFE  
16 AND EFFECTIVE REQUEST.—

17 “(A) IN GENERAL.—In response to a re-  
18 quest under this section that a drug described  
19 in subparagraph (B) be generally recognized as  
20 safe and effective, the Secretary—

21 “(i) may file such request, if the re-  
22 quest includes information specified under  
23 subparagraph (C) with respect to safe non-  
24 prescription marketing and use of such  
25 drug; or



1           “(ii) if the request fails to include in-  
2           formation specified under subparagraph  
3           (C), shall refuse to file such request and  
4           require that nonprescription marketing of  
5           the drug be pursuant to a new drug appli-  
6           cation as described in subparagraph (D).

7           “(B) DRUG DESCRIBED.—A drug de-  
8           scribed in this subparagraph is a nonprescrip-  
9           tion drug which contains an active ingredient  
10          not previously incorporated in a drug—

11           “(i) specified in subsection (a)(1),  
12           (a)(2), or (a)(3);

13           “(ii) subject to a final order under  
14           this section; or

15           “(iii) subject to a final sunscreen  
16           order (as defined in section 586(2)(A)).

17          “(C) INFORMATION DEMONSTRATING  
18          PRIMA FACIE SAFE NONPRESCRIPTION MAR-  
19          KETING AND USE.—Information specified in  
20          this subparagraph, with respect to a request de-  
21          scribed in subparagraph (A)(i), is—

22           “(i) information sufficient for a prima  
23           facie demonstration that the drug subject  
24           to such request has a verifiable history of  
25           being marketed and safely used by con-

1 consumers in the United States as a non-  
2 prescription drug under comparable condi-  
3 tions of use;

4 “(ii) if the drug has not been pre-  
5 viously marketed in the United States as a  
6 nonprescription drug, information suffi-  
7 cient for a prima facie demonstration that  
8 the drug was marketed and safely used  
9 under comparable conditions of marketing  
10 and use in a country listed in section  
11 802(b)(1)(A) or designated by the Sec-  
12 retary in accordance with section  
13 802(b)(1)(B)—

14 “(I) for such period as needed to  
15 provide reasonable assurances con-  
16 cerning the safe nonprescription use  
17 of the drug; and

18 “(II) during such time was sub-  
19 ject to sufficient monitoring by a reg-  
20 ulatory body considered acceptable by  
21 the Secretary for such monitoring  
22 purposes, including for adverse events  
23 associated with nonprescription use of  
24 the drug; or

1           “(iii) if the Secretary determines that  
2           information described in clause (i) or (ii) is  
3           not needed to provide a prima facie dem-  
4           onstration that the drug can be safely mar-  
5           keted and used as a nonprescription drug,  
6           such other information the Secretary deter-  
7           mines is sufficient for such purposes.

8           “(D) MARKETING PURSUANT TO NEW  
9           DRUG APPLICATION.—In the case of a request  
10          described in subparagraph (A)(ii), the drug  
11          subject to such request may be resubmitted for  
12          filing only if—

13               “(i) the drug is marketed as a non-  
14               prescription drug, under conditions of use  
15               comparable to the conditions specified in  
16               the request, for such period as the Sec-  
17               retary determines appropriate (not to ex-  
18               ceed 5 consecutive years) pursuant to an  
19               application approved under section 505;  
20               and

21               “(ii) during such period, 1,000,000  
22               retail packages of the drug, or an equiva-  
23               lent quantity as determined by the Sec-  
24               retary, were distributed for retail sale, as

1           determined in such manner as the Sec-  
2           retary finds appropriate.

3           “(E) RULE OF APPLICATION.—Except in  
4           the case of a request involving a drug described  
5           in section 586(9), as in effect on January 1,  
6           2017, if the Secretary refuses to file a request  
7           under this paragraph, the requestor may not  
8           file such request over protest under paragraph  
9           (5)(A)(iii).

10          “(7) PACKAGING.—An administrative order  
11          issued under paragraph (2), (4)(A), or (5) may in-  
12          clude requirements for the packaging of a drug to  
13          encourage use in accordance with labeling. Such re-  
14          quirements may include unit dose packaging, re-  
15          quirements for products intended for use by pedi-  
16          atric populations, requirements to reduce risk of  
17          harm from unsupervised ingestion, and other appro-  
18          priate requirements. This paragraph does not au-  
19          thorize the Food and Drug Administration to re-  
20          quire standards or testing procedures as described in  
21          part 1700 of title 16, Code of Federal Regulations.

22          “(8) FINAL AND TENTATIVE FINAL MONO-  
23          GRAPHS FOR CATEGORY I DRUGS DEEMED FINAL  
24          ADMINISTRATIVE ORDERS.—

1           “(A) IN GENERAL.—A final monograph or  
2 tentative final monograph described in subpara-  
3 graph (B) shall be deemed to be a final admin-  
4 istrative order under this subsection and may  
5 be amended, revoked, or otherwise modified in  
6 accordance with the procedures of this sub-  
7 section.

8           “(B) MONOGRAPHS DESCRIBED.—For pur-  
9 poses of subparagraph (A), a final monograph  
10 or tentative final monograph is described in this  
11 subparagraph if it—

12                   “(i) establishes conditions of use for a  
13 drug described in paragraph (1) or (2) of  
14 subsection (a); and

15                   “(ii) represents the most recently pro-  
16 mulgated version of such conditions, in-  
17 cluding as modified, in whole or in part, by  
18 any proposed or final rule.

19           “(C) DEEMED ORDERS INCLUDE HARMO-  
20 NIZING TECHNICAL AMENDMENTS.—The  
21 deemed establishment of a final administrative  
22 order under subparagraph (A) shall be con-  
23 strued to include any technical amendments to  
24 such order as the Secretary determines nec-  
25 essary to ensure that such order is appro-

1           priately harmonized, in terms of terminology or  
2           cross-references, with the applicable provisions  
3           of this Act (and regulations thereunder) and  
4           any other orders issued under this section.

5           “(c) PROCEDURE FOR MINOR CHANGES.—

6           “(1) IN GENERAL.—Minor changes in the dos-  
7           age form of a drug that is described in paragraph  
8           (1) or (2) of subsection (a) or the subject of an  
9           order issued under subsection (b) may be made by  
10          a requestor without the issuance of an order under  
11          subsection (b) if—

12                   “(A) the requestor maintains such infor-  
13                   mation as is necessary to demonstrate that the  
14                   change—

15                           “(i) will not affect the safety or effec-  
16                           tiveness of the drug; and

17                           “(ii) will not materially affect the ex-  
18                           tent of absorption or other exposure to the  
19                           active ingredient in comparison to a suit-  
20                           able reference product; and

21                   “(B) the change is in conformity with the  
22                   requirements of an applicable administrative  
23                   order issued by the Secretary under paragraph  
24                   (3).

25           “(2) ADDITIONAL INFORMATION.—

1           “(A) ACCESS TO RECORDS.—A sponsor  
2 shall submit records requested by the Secretary  
3 relating to such a minor change under section  
4 704(a)(4), within 15 business days of receiving  
5 such a request, or such longer period as the  
6 Secretary may provide.

7           “(B) INSUFFICIENT INFORMATION.—If the  
8 Secretary determines that the information con-  
9 tained in such records is not sufficient to dem-  
10 onstrate that the change does not affect the  
11 safety or effectiveness of the drug or materially  
12 affect the extent of absorption or other expo-  
13 sure to the active ingredient, the Secretary—

14                   “(i) may so inform the sponsor of the  
15 drug in writing; and

16                   “(ii) if the Secretary so informs the  
17 sponsor, shall provide the sponsor of the  
18 drug with a reasonable opportunity to pro-  
19 vide additional information.

20           “(C) FAILURE TO SUBMIT SUFFICIENT IN-  
21 FORMATION.—If the sponsor fails to provide  
22 such additional information within a time pre-  
23 scribed by the Secretary, or if the Secretary de-  
24 termines that such additional information does  
25 not demonstrate that the change does not—

1                   “(i) affect the safety or effectiveness  
2                   of the drug; or

3                   “(ii) materially affect the extent of  
4                   absorption or other exposure to the active  
5                   ingredient in comparison to a suitable ref-  
6                   erence product,

7                   the drug as modified is a new drug under sec-  
8                   tion 201(p) and shall be deemed to be mis-  
9                   branded under section 502(ee).

10                  “(3) DETERMINING WHETHER A CHANGE WILL  
11                  AFFECT SAFETY OR EFFECTIVENESS.—

12                   “(A) IN GENERAL.—The Secretary shall  
13                   issue one or more administrative orders speci-  
14                   fying requirements for determining whether a  
15                   minor change made by a sponsor pursuant to  
16                   this subsection will affect the safety or effective-  
17                   ness of a drug or materially affect the extent of  
18                   absorption or other exposure to an active ingre-  
19                   dient in the drug in comparison to a suitable  
20                   reference product, together with guidance for  
21                   applying those orders to specific dosage forms.

22                   “(B) STANDARD PRACTICES.—The orders  
23                   and guidance issued by the Secretary under  
24                   subparagraph (A) shall take into account rel-  
25                   evant public standards and standard practices



1           for evaluating the quality of drugs, and may  
2           take into account the special needs of popu-  
3           lations, including children.

4           “(d) CONFIDENTIALITY OF INFORMATION SUB-  
5           MITTED TO THE SECRETARY.—

6           “(1) IN GENERAL.—Subject to paragraph (2),  
7           any information, including reports of testing con-  
8           ducted on the drug or drugs involved, that is sub-  
9           mitted by a requestor in connection with proceedings  
10          on an order under this section (including any minor  
11          change under subsection (c)) and is a trade secret  
12          or confidential information subject to section  
13          552(b)(4) of title 5, United States Code, or section  
14          1905 of title 18, United States Code, shall not be  
15          disclosed to the public unless the requestor consents  
16          to that disclosure.

17          “(2) PUBLIC AVAILABILITY.—

18                 “(A) IN GENERAL.—Except as provided in  
19                 subparagraph (B), the Secretary shall—

20                         “(i) make any information submitted  
21                         by a requestor in support of a request  
22                         under subsection (b)(5)(A) available to the  
23                         public not later than the date on which the  
24                         proposed order is issued; and

1                   “(ii) make any information submitted  
2                   by any other person with respect to an  
3                   order requested (or initiated by the Sec-  
4                   retary) under subsection (b), available to  
5                   the public upon such submission.

6                   “(B) LIMITATIONS ON PUBLIC AVAIL-  
7                   ABILITY.—Information described in subpara-  
8                   graph (A) shall not be made public if—

9                   “(i) the information pertains to phar-  
10                  maceutical quality information, unless such  
11                  information is necessary to establish stand-  
12                  ards under which a drug is generally rec-  
13                  ognized as safe and effective under section  
14                  201(p)(1);

15                  “(ii) the information is submitted in a  
16                  requestor-initiated request, but the re-  
17                  questor withdraws such request, in accord-  
18                  ance with withdrawal procedures estab-  
19                  lished by the Secretary, before the Sec-  
20                  retary issues the proposed order;

21                  “(iii) the Secretary requests and ob-  
22                  tains the information under subsection (c)  
23                  and such information is not submitted in  
24                  relation to an order under subsection (b);  
25                  or

1                   “(iv) the information is of the type  
2                   contained in raw datasets.

3           “(e) UPDATES TO DRUG LISTING INFORMATION.—  
4 A sponsor who makes a change to a drug subject to this  
5 section shall submit updated drug listing information for  
6 the drug in accordance with section 510(j) within 30 cal-  
7 endar days of the date when the drug is first commercially  
8 marketed, except that a sponsor who was the order re-  
9 questor with respect to an order subject to subsection  
10 (b)(5)(C) (or a licensee, assignee, or successor in interest  
11 of such requestor) shall submit updated drug listing infor-  
12 mation on or before the date when the drug is first com-  
13 mercially marketed.

14           “(f) APPROVALS UNDER SECTION 505.—The provi-  
15 sions of this section shall not be construed to preclude a  
16 person from seeking or maintaining the approval of an ap-  
17 plication for a drug under sections 505(b)(1), 505(b)(2),  
18 and 505(j). A determination under this section that a drug  
19 is not subject to section 503(b)(1), is generally recognized  
20 as safe and effective under section 201(p)(1), and is not  
21 a new drug under section 201(p) shall constitute a finding  
22 that the drug is safe and effective that may be relied upon  
23 for purposes of an application under section 505(b)(2), so  
24 that the applicant shall be required to submit for purposes  
25 of such application only information needed to support any

1 modification of the drug that is not covered by such deter-  
2 mination under this section.

3 “(g) PUBLIC AVAILABILITY OF ADMINISTRATIVE OR-  
4 DERS.—The Secretary shall establish, maintain, update  
5 (as determined necessary by the Secretary but no less fre-  
6 quently than annually), and make publicly available, with  
7 respect to orders issued under this section—

8 “(1) a repository of each final order and in-  
9 terim final order in effect, including the complete  
10 text of the order; and

11 “(2) a listing of all orders proposed and under  
12 development under subsection (b)(2), including—

13 “(A) a brief description of each such order;  
14 and

15 “(B) the Secretary’s expectations, if re-  
16 sources permit, for issuance of proposed orders  
17 over a 3-year period.

18 “(h) DEVELOPMENT ADVICE TO SPONSORS OR RE-  
19 QUESTORS.—The Secretary shall establish procedures  
20 under which sponsors or requestors may meet with appro-  
21 priate officials of the Food and Drug Administration to  
22 obtain advice on the studies and other information nec-  
23 essary to support submissions under this section and other  
24 matters relevant to the regulation of nonprescription

1 drugs and the development of new nonprescription drugs  
2 under this section.

3       “(i) PARTICIPATION OF MULTIPLE SPONSORS OR RE-  
4 QUESTORS.—The Secretary shall establish procedures to  
5 facilitate efficient participation by multiple sponsors or re-  
6 questors in proceedings under this section, including provi-  
7 sion for joint meetings with multiple sponsors or reques-  
8 tors or with organizations nominated by sponsors or re-  
9 questors to represent their interests in a proceeding.

10       “(j) ELECTRONIC FORMAT.—All submissions under  
11 this section shall be in electronic format.

12       “(k) EFFECT ON EXISTING REGULATIONS GOV-  
13 ERNING NONPRESCRIPTION DRUGS.—

14               “(1) REGULATIONS OF GENERAL APPLICA-  
15 BILITY TO NONPRESCRIPTION DRUGS.—Except as  
16 provided in this subsection, nothing in this section  
17 supersedes regulations establishing general require-  
18 ments for nonprescription drugs, including regula-  
19 tions of general applicability contained in parts 201,  
20 250, and 330 of title 21, Code of Federal Regula-  
21 tions, or any successor regulations. The Secretary  
22 shall establish or modify such regulations by means  
23 of rulemaking in accordance with section 553 of title  
24 5, United States Code.

1           “(2) REGULATIONS ESTABLISHING REQUIRE-  
2           MENTS FOR SPECIFIC NONPRESCRIPTION DRUGS.—

3           “(A) The provisions of section 310.545 of  
4           title 21, Code of Federal Regulations, as in ef-  
5           fect on the day before the date of the enact-  
6           ment of this section, shall be deemed to be a  
7           final order under subsection (b).

8           “(B) Regulations in effect on the day be-  
9           fore the date of the enactment of this section,  
10          establishing requirements for specific non-  
11          prescription drugs marketed pursuant to this  
12          section (including such requirements in parts  
13          201 and 250 of title 21, Code of Federal Regu-  
14          lations), shall be deemed to be final orders  
15          under subsection (b), only as they apply to  
16          drugs—

17                   “(i) subject to paragraph (1), (2), (3),  
18                   or (4) of subsection (a); or

19                   “(ii) otherwise subject to an order  
20                   under this section.

21          “(3) WITHDRAWAL OF REGULATIONS.—The  
22          Secretary shall withdraw regulations establishing  
23          final monographs and the procedures governing the  
24          over-the-counter drug review under part 330 and  
25          other relevant parts of title 21, Code of Federal

1 Regulations (as in effect on the day before the date  
2 of the enactment of this section), or make technical  
3 changes to such regulations to ensure conformity  
4 with appropriate terminology and cross references.  
5 Notwithstanding subchapter II of chapter 5 of title  
6 5, United States Code, any such withdrawal or tech-  
7 nical changes shall be made without public notice  
8 and comment and shall be effective upon publication  
9 through notice in the Federal Register (or upon such  
10 date as specified in such notice).

11 “(1) GUIDANCE.—The Secretary shall issue guidance  
12 that specifies—

13 “(1) the procedures and principles for formal  
14 meetings between the Secretary and sponsors or re-  
15 questors for drugs subject to this section;

16 “(2) the format and content of data submis-  
17 sions to the Secretary under this section;

18 “(3) the format of electronic submissions to the  
19 Secretary under this section;

20 “(4) consolidated proceedings for appeal and  
21 the procedures for such proceedings where appro-  
22 priate; and

23 “(5) for minor changes in drugs, recommenda-  
24 tions on how to comply with the requirements in or-  
25 ders issued under subsection (c)(3).

1 “(m) RULE OF CONSTRUCTION.—

2 “(1) IN GENERAL.—This section shall not af-  
3 fect the treatment or status of a nonprescription  
4 drug—

5 “(A) that is marketed without an applica-  
6 tion approved under section 505 as of the date  
7 of the enactment of this section;

8 “(B) that is not subject to an order issued  
9 under this section; and

10 “(C) to which paragraph (1), (2), (3), (4),  
11 or (5) of subsection (a) do not apply.

12 “(2) TREATMENT OF PRODUCTS PREVIOUSLY  
13 FOUND TO BE SUBJECT TO TIME AND EXTENT RE-  
14 QUIREMENTS.—

15 “(A) Notwithstanding subsection (a), a  
16 drug described in subparagraph (B) may only  
17 be lawfully marketed, without an application  
18 approved under section 505, pursuant to an  
19 order issued under this section.

20 “(B) A drug described in this subpara-  
21 graph is a drug which, prior to the date of the  
22 enactment of this section, the Secretary deter-  
23 mined in a proposed or final rule to be ineligible  
24 for review under the OTC drug review (as such  
25 phrase ‘OTC drug review’ was used in section



1           330.14 of title 21, Code of Federal Regulations,  
2           as in effect on the day before the date of the  
3           enactment of this section).

4           “(3) PRESERVATION OF AUTHORITY.—

5                 “(A) Nothing in paragraph (1) shall be  
6           construed to preclude or limit the applicability  
7           of any provision of this Act other than this sec-  
8           tion.

9                 “(B) Nothing in subsection (a) shall be  
10          construed to prohibit the Secretary from issuing  
11          an order under this section finding a drug to be  
12          not generally recognized as safe and effective  
13          under section 201(p)(1), as the Secretary deter-  
14          mines appropriate.

15          “(n) INVESTIGATIONAL NEW DRUGS.—A drug is not  
16          subject to this section if an exemption for investigational  
17          use under section 505(i) is in effect for such drug.

18          “(o) INAPPLICABILITY OF PAPERWORK REDUCTION  
19          ACT.—Chapter 35 of title 44, United States Code, shall  
20          not apply to collections of information made under this  
21          section.

22          “(p) INAPPLICABILITY OF NOTICE AND COMMENT  
23          RULEMAKING AND OTHER REQUIREMENTS.—The re-  
24          quirements of subsection (b) shall apply with respect to  
25          orders issued under this section instead of the require-

1 ments of subchapter II of chapter 5 of title 5, United  
2 States Code.

3 “(q) DEFINITIONS.—In this section:

4 “(1) The term ‘nonprescription drug’ refers to  
5 a drug not subject to the requirements of section  
6 503(b)(1).

7 “(2) The term ‘sponsor’ refers to any person  
8 marketing, manufacturing, or processing a drug  
9 that—

10 “(A) is listed pursuant to section 510(j);

11 and

12 “(B) is or will be subject to an administra-  
13 tive order under this section of the Food and  
14 Drug Administration.

15 “(3) The term ‘requestor’ refers to any person  
16 or group of persons marketing, manufacturing, proc-  
17 essing, or developing a drug.”.

18 (b) GAO STUDY.—Not later than 4 years after the  
19 date of enactment of this Act, the Comptroller General  
20 of the United States shall submit a study to the Com-  
21 mittee on Energy and Commerce of the House of Rep-  
22 resentatives and the Committee on Health, Education,  
23 Labor, and Pensions of the Senate addressing the effec-  
24 tiveness and overall impact of exclusivity under section  
25 505G of the Federal Food, Drug, and Cosmetic Act, as

1 added by subsection (a), and section 586C of such Act  
2 (21 U.S.C. 360fff-3), including the impact of such exclu-  
3 sivity on consumer access. Such study shall include—

4 (1) an analysis of the impact of exclusivity  
5 under such section 505G for nonprescription drug  
6 products, including—

7 (A) the number of nonprescription drug  
8 products that were granted exclusivity and the  
9 indication for which the nonprescription drug  
10 products were determined to be generally recog-  
11 nized as safe and effective;

12 (B) whether the exclusivity for such drug  
13 products was granted for—

14 (i) a new active ingredient (including  
15 any ester or salt of the active ingredient);

16 or

17 (ii) changes in the conditions of use of  
18 a drug, for which new human data studies  
19 conducted or sponsored by the requestor  
20 were essential;

21 (C) whether, and to what extent, the exclu-  
22 sivity impacted the requestor's or sponsor's de-  
23 cision to develop the drug product;

- 1 (D) an analysis of the implementation of  
2 the exclusivity provision in such section 505G,  
3 including—
- 4 (i) the resources used by the Food  
5 and Drug Administration;
- 6 (ii) the impact of such provision on  
7 innovation, as well as research and devel-  
8 opment in the nonprescription drug mar-  
9 ket;
- 10 (iii) the impact of such provision on  
11 competition in the nonprescription drug  
12 market;
- 13 (iv) the impact of such provision on  
14 consumer access to nonprescription drug  
15 products;
- 16 (v) the impact of such provision on  
17 the prices of nonprescription drug prod-  
18 ucts; and
- 19 (vi) whether the administrative orders  
20 initiated by requestors under such section  
21 505G have been sufficient to encourage the  
22 development of nonprescription drug prod-  
23 ucts that would likely not be otherwise de-  
24 veloped, or developed in as timely a man-  
25 ner; and

1 (E) whether the administrative orders ini-  
2 tiated by requestors under such section 505G  
3 have been sufficient incentive to encourage in-  
4 novation in the nonprescription drug market;  
5 and

6 (2) an analysis of the impact of exclusivity  
7 under such section 586C for sunscreen ingredients,  
8 including—

9 (A) the number of sunscreen ingredients  
10 that were granted exclusivity and the specific  
11 ingredient that was determined to be generally  
12 recognized as safe and effective;

13 (B) whether, and to what extent, the exclu-  
14 sivity impacted the requestor's or sponsor's de-  
15 cision to develop the sunscreen ingredient;

16 (C) whether, and to what extent, the sun-  
17 screen ingredient granted exclusivity had pre-  
18 viously been available outside of the United  
19 States;

20 (D) an analysis of the implementation of  
21 the exclusivity provision in such section 586C,  
22 including—

23 (i) the resources used by the Food  
24 and Drug Administration;

1 (ii) the impact of such provision on  
2 innovation, as well as research and devel-  
3 opment in the sunscreen market;

4 (iii) the impact of such provision on  
5 competition in the sunscreen market;

6 (iv) the impact of such provision on  
7 consumer access to sunscreen products;

8 (v) the impact of such provision on  
9 the prices of sunscreen products; and

10 (vi) whether the administrative orders  
11 initiated by requestors under such section  
12 505G have been utilized by sunscreen in-  
13 gredient sponsors and whether such proc-  
14 ess has been sufficient to encourage the  
15 development of sunscreen ingredients that  
16 would likely not be otherwise developed, or  
17 developed in as timely a manner; and

18 (E) whether the administrative orders ini-  
19 tiated by requestors under such section 586C  
20 have been sufficient incentive to encourage in-  
21 novation in the sunscreen market.

22 (c) CONFORMING AMENDMENT.—Section 751(d)(1)  
23 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.  
24 379r(d)(1)) is amended—

25 (1) in the matter preceding subparagraph (A)—

1 (A) by striking “final regulation promul-  
2 gated” and inserting “final order under section  
3 505G”; and

4 (B) by striking “and not misbranded”; and

5 (2) in subparagraph (A), by striking “regula-  
6 tion in effect” and inserting “regulation or order in  
7 effect”.

8 **SEC. 3852. MISBRANDING.**

9 Section 502 of the Federal Food, Drug, and Cosmetic  
10 Act (21 U.S.C. 352) is amended by adding at the end the  
11 following:

12 “(ee) If it is a nonprescription drug that is subject  
13 to section 505G, is not the subject of an application ap-  
14 proved under section 505, and does not comply with the  
15 requirements under section 505G.

16 “(ff) If it is a drug and it was manufactured, pre-  
17 pared, propagated, compounded, or processed in a facility  
18 for which fees have not been paid as required by section  
19 744M.”.

20 **SEC. 3853. DRUGS EXCLUDED FROM THE OVER-THE-  
21 COUNTER DRUG REVIEW.**

22 (a) IN GENERAL.—Nothing in this Act (or the  
23 amendments made by this Act) shall apply to any non-  
24 prescription drug (as defined in section 505G(q) of the  
25 Federal Food, Drug, and Cosmetic Act, as added by sec-

1 tion 3851 of this subtitle) which was excluded by the Food  
2 and Drug Administration from the Over-the-Counter  
3 Drug Review in accordance with the paragraph numbered  
4 25 on page 9466 of volume 37 of the Federal Register,  
5 published on May 11, 1972.

6 (b) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
7 tion shall be construed to preclude or limit the applica-  
8 bility of any other provision of the Federal Food, Drug,  
9 and Cosmetic Act (21 U.S.C. 301 et seq.).

10 **SEC. 3854. TREATMENT OF SUNSCREEN INNOVATION ACT.**

11 (a) **REVIEW OF NONPRESCRIPTION SUNSCREEN AC-**  
12 **TIVE INGREDIENTS.**—

13 (1) **APPLICABILITY OF SECTION 505G FOR**  
14 **PENDING SUBMISSIONS.**—

15 (A) **IN GENERAL.**—A sponsor of a non-  
16 prescription sunscreen active ingredient or com-  
17 bination of nonprescription sunscreen active in-  
18 gredients that, as of the date of enactment of  
19 this Act, is subject to a proposed sunscreen  
20 order under section 586C of the Federal Food,  
21 Drug, and Cosmetic Act (21 U.S.C. 360fff–3)  
22 may elect, by means of giving written notifica-  
23 tion to the Secretary of Health and Human  
24 Services within 180 calendar days of the enact-  
25 ment of this Act, to transition into the review



1 of such ingredient or combination of ingredients  
2 pursuant to the process set out in section 505G  
3 of the Federal Food, Drug, and Cosmetic Act,  
4 as added by section 3851 of this subtitle.

5 (B) ELECTION EXERCISED.—Upon receipt  
6 by the Secretary of Health and Human Services  
7 of a timely notification under subparagraph  
8 (A)—

9 (i) the proposed sunscreen order in-  
10 volved is deemed to be a request for an  
11 order under subsection (b) of section 505G  
12 of the Federal Food, Drug, and Cosmetic  
13 Act, as added by section 3851 of this sub-  
14 title; and

15 (ii) such order is deemed to have been  
16 accepted for filing under subsection  
17 (b)(6)(A)(i) of such section 505G.

18 (C) ELECTION NOT EXERCISED.—If a noti-  
19 fication under subparagraph (A) is not received  
20 by the Secretary of Health and Human Services  
21 within 180 calendar days of the date of enact-  
22 ment of this Act, the review of the proposed  
23 sunscreen order described in subparagraph  
24 (A)—

1 (i) shall continue under section 586C  
2 of the Federal Food, Drug, and Cosmetic  
3 Act (21 U.S.C. 360fff–3); and

4 (ii) shall not be eligible for review  
5 under section 505G, added by section 3851  
6 of this subtitle.

7 (2) DEFINITIONS.—In this subsection, the  
8 terms “sponsor”, “nonprescription”, “sunscreen ac-  
9 tive ingredient”, and “proposed sunscreen order”  
10 have the meanings given to those terms in section  
11 586 of the Federal Food, Drug, and Cosmetic Act  
12 (21 U.S.C. 360fff).

13 (b) AMENDMENTS TO SUNSCREEN PROVISIONS.—

14 (1) FINAL SUNSCREEN ORDERS.—Paragraph  
15 (3) of section 586C(e) of the Federal Food, Drug,  
16 and Cosmetic Act (21 U.S.C. 360fff–3(e)) is amend-  
17 ed to read as follows:

18 “(3) RELATIONSHIP TO ORDERS UNDER SEC-  
19 TION 505G.—A final sunscreen order shall be deemed  
20 to be a final order under section 505G.”.

21 (2) MEETINGS.—Paragraph (7) of section  
22 586C(b) of the Federal Food, Drug, and Cosmetic  
23 Act (21 U.S.C. 360fff–3(b)) is amended—

24 (A) by striking “A sponsor may request”  
25 and inserting the following:

1           “(A) IN GENERAL.—A sponsor may re-  
2           quest”; and

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

4           “(B) CONFIDENTIAL MEETINGS.—A spon-  
5           sor may request one or more confidential meet-  
6           ings with respect to a proposed sunscreen order,  
7           including a letter deemed to be a proposed sun-  
8           screen order under paragraph (3), to discuss  
9           matters relating to data requirements to sup-  
10          port a general recognition of safety and effec-  
11          tiveness involving confidential information and  
12          public information related to such proposed  
13          sunscreen order, as appropriate. The Secretary  
14          shall convene a confidential meeting with such  
15          sponsor in a reasonable time period. If a spon-  
16          sor requests more than one confidential meeting  
17          for the same proposed sunscreen order, the Sec-  
18          retary may refuse to grant an additional con-  
19          fidential meeting request if the Secretary deter-  
20          mines that such additional confidential meeting  
21          is not reasonably necessary for the sponsor to  
22          advance its proposed sunscreen order, or if the  
23          request for a confidential meeting fails to in-  
24          clude sufficient information upon which to base  
25          a substantive discussion. The Secretary shall

1 publish a post-meeting summary of each con-  
2 fidential meeting under this subparagraph that  
3 does not disclose confidential commercial infor-  
4 mation or trade secrets. This subparagraph  
5 does not authorize the disclosure of confidential  
6 commercial information or trade secrets subject  
7 to 552(b)(4) of title 5, United States Code, or  
8 section 1905 of title 18, United States Code.”.

9 (3) EXCLUSIVITY.—Section 586C of the Fed-  
10 eral Food, Drug, and Cosmetic Act (21 U.S.C.  
11 360fff-3) is amended by adding at the end the fol-  
12 lowing:

13 “(f) EXCLUSIVITY.—

14 “(1) IN GENERAL.—A final sunscreen order  
15 shall have the effect of authorizing solely the order  
16 requestor (or the licensees, assignees, or successors  
17 in interest of such requestor with respect to the sub-  
18 ject of such request and listed under paragraph (5))  
19 for a period of 18 months, to market a sunscreen in-  
20 gredient under this section incorporating changes  
21 described in paragraph (2) subject to the limitations  
22 under paragraph (4), beginning on the date the re-  
23 questor (or any licensees, assignees, or successors in  
24 interest of such requestor with respect to the subject  
25 of such request and listed under paragraph (5)) may

1 lawfully market such sunscreen ingredient pursuant  
2 to the order.

3 “(2) CHANGES DESCRIBED.—A change de-  
4 scribed in this paragraph is a change subject to an  
5 order specified in paragraph (1) that permits a sun-  
6 screen to contain an active sunscreen ingredient not  
7 previously incorporated in a marketed sunscreen list-  
8 ed in paragraph (3).

9 “(3) MARKETED SUNSCREEN.—The marketed  
10 sunscreen ingredients described in this paragraph  
11 are sunscreen ingredients—

12 “(A) marketed in accordance with a final  
13 monograph for sunscreen drug products set  
14 forth at part 352 of title 21, Code of Federal  
15 Regulations (as published at 64 Fed. Reg.  
16 27687); or

17 “(B) marketed in accordance with a final  
18 order issued under this section.

19 “(4) LIMITATIONS ON EXCLUSIVITY.—Only one  
20 18-month period may be granted per ingredient  
21 under paragraph (1).

22 “(5) LISTING OF LICENSEES, ASSIGNEES, OR  
23 SUCCESSORS IN INTEREST.—Requestors shall submit  
24 to the Secretary at the time when a drug subject to  
25 such request is introduced or delivered for introduc-

1           tion into interstate commerce, a list of licensees, as-  
2           signees, or successors in interest under paragraph  
3           (1).”.

4           (4) SUNSET PROVISION.—Subchapter I of chap-  
5           ter V of the Federal Food, Drug, and Cosmetic Act  
6           (21 U.S.C. 360fff et seq.) is amended by adding at  
7           the end the following:

8           **“SEC. 586H. SUNSET.**

9           “‘This subchapter shall cease to be effective at the end  
10          of fiscal year 2022.’”.

11          (5) TREATMENT OF FINAL SUNSCREEN  
12          ORDER.—The Federal Food, Drug, and Cosmetic  
13          Act is amended by striking section 586E of such Act  
14          (21 U.S.C. 360fff–5).

15          (c) TREATMENT OF AUTHORITY REGARDING FINAL-  
16          IZATION OF SUNSCREEN MONOGRAPH.—

17          (1) IN GENERAL.—

18                (A) REVISION OF FINAL SUNSCREEN  
19                ORDER.—The Secretary of Health and Human  
20                Services (referred to in this subsection as the  
21                “Secretary”) shall amend and revise the final  
22                administrative order concerning nonprescription  
23                sunscreen (referred to in this subsection as the  
24                “sunscreen order”) for which the content, prior  
25                to the date of enactment of this Act, was rep-

1           resented by the final monograph for sunscreen  
2           drug products set forth in part 352 of title 21,  
3           Code of Federal Regulations (as in effect on  
4           May 21, 1999).

5           (B) ISSUANCE OF REVISED SUNSCREEN  
6           ORDER; EFFECTIVE DATE.—A revised sunscreen  
7           order described in subparagraph (A) shall be—

8                   (i) issued in accordance with the pro-  
9                   cedures described in section 505G(b)(2) of  
10                  the Federal Food, Drug, and Cosmetic  
11                  Act;

12                   (ii) issued in proposed form not later  
13                  than 18 months after the date of enact-  
14                  ment of this Act; and

15                   (iii) issued by the Secretary at least 1  
16                  year prior to the effective date of the re-  
17                  vised order.

18           (2) REPORTS.—If a revised sunscreen order  
19           issued under paragraph (1) does not include provi-  
20           sions related to the effectiveness of various sun pro-  
21           tection factor levels, and does not address all dosage  
22           forms known to the Secretary to be used in sun-  
23           screens marketed in the United States without a  
24           new drug application approved under section 505 of  
25           the Federal Food, Drug, and Cosmetic Act (21

1 U.S.C. 355), the Secretary shall submit a report to  
2 the Committee on Energy and Commerce of the  
3 House of Representatives and the Committee on  
4 Health, Education, Labor, and Pensions of the Sen-  
5 ate on the rationale for omission of such provisions  
6 from such order, and a plan and timeline to compile  
7 any information necessary to address such provisions  
8 through such order.

9 (d) TREATMENT OF NON-SUNSCREEN TIME AND EX-  
10 TENT APPLICATIONS.—

11 (1) IN GENERAL.—Any application described in  
12 section 586F of the Federal Food, Drug, and Cos-  
13 metic Act (21 U.S.C. 360fff-6) that was submitted  
14 to the Secretary pursuant to section 330.14 of title  
15 21, Code of Federal Regulations, as such provisions  
16 were in effect immediately prior to the date of enact-  
17 ment date of this Act, shall be extinguished as of  
18 such date of enactment, subject to paragraph (2).

19 (2) ORDER REQUEST.—Nothing in paragraph  
20 (1) precludes the submission of an order request  
21 under section 505G(b) of the Federal Food, Drug,  
22 and Cosmetic Act, as added by section 3851 of this  
23 subtitle, with respect to a drug that was the subject  
24 of an application extinguished under paragraph (1).



1 **SEC. 3855. ANNUAL UPDATE TO CONGRESS ON APPRO-**  
2 **PRIATE PEDIATRIC INDICATION FOR CER-**  
3 **TAIN OTC COUGH AND COLD DRUGS.**

4 (a) IN GENERAL.—Subject to subsection (c), the Sec-  
5 retary of Health and Human Services shall, beginning not  
6 later than 1 year after the date of enactment of this Act,  
7 annually submit to the Committee on Energy and Com-  
8 merce of the House of Representatives and the Committee  
9 on Health, Education, Labor, and Pensions of the Senate  
10 a letter describing the progress of the Food and Drug Ad-  
11 ministration—

12 (1) in evaluating the cough and cold monograph  
13 described in subsection (b) with respect to children  
14 under age 6; and

15 (2) as appropriate, revising such cough and cold  
16 monograph to address such children through the  
17 order process under section 505G(b) of the Federal  
18 Food, Drug, and Cosmetic Act, as added by section  
19 3851 of this subtitle.

20 (b) COUGH AND COLD MONOGRAPH DESCRIBED.—  
21 The cough and cold monograph described in this sub-  
22 section consists of the conditions under which nonprescrip-  
23 tion drugs containing antitussive, expectorant, nasal de-  
24 congestant, or antihistamine active ingredients (or com-  
25 binations thereof) are generally recognized as safe and ef-  
26 fective, as specified in part 341 of title 21, Code of Federal

1 Regulations (as in effect immediately prior to the date of  
2 enactment of this Act), and included in an order deemed  
3 to be established under section 505G(b) of the Federal  
4 Food, Drug, and Cosmetic Act, as added by section 3851  
5 of this subtitle.

6 (c) DURATION OF AUTHORITY.—The requirement  
7 under subsection (a) shall terminate as of the date of a  
8 letter submitted by the Secretary of Health and Human  
9 Services pursuant to such subsection in which the Sec-  
10 retary indicates that the Food and Drug Administration  
11 has completed its evaluation and revised, in a final order,  
12 as applicable, the cough and cold monograph as described  
13 in subsection (a)(2).

14 **SEC. 3856. TECHNICAL CORRECTIONS.**

15 (a) IMPORTS AND EXPORTS.—Section  
16 801(e)(4)(E)(iii) of the Federal Food, Drug, and Cosmetic  
17 Act (21 U.S.C. 381(e)(4)(E)(iii)) is amended by striking  
18 “subparagraph” each place such term appears and insert-  
19 ing “paragraph”.

20 (b) FDA REAUTHORIZATION ACT OF 2017.—

21 (1) IN GENERAL.—Section 905(b)(4) of the  
22 FDA Reauthorization Act of 2017 (Public Law 115–  
23 52) is amended by striking “Section 744H(e)(2)(B)”  
24 and inserting “Section 744H(f)(2)(B)”.



1           “(1) The term ‘affiliate’ means a business enti-  
2           ty that has a relationship with a second business en-  
3           tity if, directly or indirectly—

4                   “(A) one business entity controls, or has  
5                   the power to control, the other business entity;  
6                   or

7                   “(B) a third party controls, or has power  
8                   to control, both of the business entities.

9           “(2) The term ‘contract manufacturing organi-  
10           zation facility’ means an OTC monograph drug facil-  
11           ity where neither the owner of such manufacturing  
12           facility nor any affiliate of such owner or facility  
13           sells the OTC monograph drug produced at such fa-  
14           cility directly to wholesalers, retailers, or consumers  
15           in the United States.

16           “(3) The term ‘costs of resources allocated for  
17           OTC monograph drug activities’ means the expenses  
18           in connection with OTC monograph drug activities  
19           for—

20                   “(A) officers and employees of the Food  
21                   and Drug Administration, contractors of the  
22                   Food and Drug Administration, advisory com-  
23                   mittees, and costs related to such officers, em-  
24                   ployees, and committees and costs related to  
25                   contracts with such contractors;

1           “(B) management of information, and the  
2           acquisition, maintenance, and repair of com-  
3           puter resources;

4           “(C) leasing, maintenance, renovation, and  
5           repair of facilities and acquisition, maintenance,  
6           and repair of fixtures, furniture, scientific  
7           equipment, and other necessary materials and  
8           supplies; and

9           “(D) collecting fees under section 744M  
10          and accounting for resources allocated for OTC  
11          monograph drug activities.

12          “(4) The term ‘FDA establishment identifier’ is  
13          the unique number automatically generated by Food  
14          and Drug Administration’s Field Accomplishments  
15          and Compliance Tracking System (FACTS) (or any  
16          successor system).

17          “(5) The term ‘OTC monograph drug’ means a  
18          nonprescription drug without an approved new drug  
19          application which is governed by the provisions of  
20          section 505G.

21          “(6) The term ‘OTC monograph drug activities’  
22          means activities of the Secretary associated with  
23          OTC monograph drugs and inspection of facilities  
24          associated with such products, including the fol-  
25          lowing activities:

1           “(A) The activities necessary for review  
2           and evaluation of OTC monographs and OTC  
3           monograph order requests, including—

4                   “(i) orders proposing or finalizing ap-  
5                   plicable conditions of use for OTC mono-  
6                   graph drugs;

7                   “(ii) orders affecting status regarding  
8                   general recognition of safety and effective-  
9                   ness of an OTC monograph ingredient or  
10                  combination of ingredients under specified  
11                  conditions of use;

12                  “(iii) all OTC monograph drug devel-  
13                  opment and review activities, including  
14                  intra-agency collaboration;

15                  “(iv) regulation and policy develop-  
16                  ment activities related to OTC monograph  
17                  drugs;

18                  “(v) development of product standards  
19                  for products subject to review and evalua-  
20                  tion;

21                  “(vi) meetings referred to in section  
22                  505G(i);

23                  “(vii) review of labeling prior to  
24                  issuance of orders related to OTC mono-  
25                  graph drugs or conditions of use; and

1 “(viii) regulatory science activities re-  
2 lated to OTC monograph drugs.

3 “(B) Inspections related to OTC mono-  
4 graph drugs.

5 “(C) Monitoring of clinical and other re-  
6 search conducted in connection with OTC  
7 monograph drugs.

8 “(D) Safety activities with respect to OTC  
9 monograph drugs, including—

10 “(i) collecting, developing, and review-  
11 ing safety information on OTC monograph  
12 drugs, including adverse event reports;

13 “(ii) developing and using improved  
14 adverse event data-collection systems, in-  
15 cluding information technology systems;  
16 and

17 “(iii) developing and using improved  
18 analytical tools to assess potential safety  
19 risks, including access to external data-  
20 bases.

21 “(E) Other activities necessary for imple-  
22 mentation of section 505G.

23 “(7) The term ‘OTC monograph order request’  
24 means a request for an order submitted under sec-  
25 tion 505G(b)(5).

1           “(8) The term ‘Tier 1 OTC monograph order  
2 request’ means any OTC monograph order request  
3 not determined to be a Tier 2 OTC monograph  
4 order request.

5           “(9)(A) The term ‘Tier 2 OTC monograph  
6 order request’ means, subject to subparagraph (B),  
7 an OTC monograph order request for—

8           “(i) the reordering of existing information  
9 in the drug facts label of an OTC monograph  
10 drug;

11           “(ii) the addition of information to the  
12 other information section of the drug facts label  
13 of an OTC monograph drug, as limited by sec-  
14 tion 201.66(c)(7) of title 21, Code of Federal  
15 Regulations (or any successor regulations);

16           “(iii) modification to the directions for use  
17 section of the drug facts label of an OTC mono-  
18 graph drug, if such changes conform to changes  
19 made pursuant to section 505G(c)(3)(A);

20           “(iv) the standardization of the concentra-  
21 tion or dose of a specific finalized ingredient  
22 within a particular finalized monograph;

23           “(v) a change to ingredient nomenclature  
24 to align with nomenclature of a standards-set-  
25 ting organization; or



1           “(vi) addition of an interchangeable term  
2           in accordance with section 330.1 of title 21,  
3           Code of Federal Regulations (or any successor  
4           regulations).

5           “(B) The Secretary may, based on program im-  
6           plementation experience or other factors found ap-  
7           propriate by the Secretary, characterize any OTC  
8           monograph order request as a Tier 2 OTC mono-  
9           graph order request (including recharacterizing a re-  
10          quest from Tier 1 to Tier 2) and publish such deter-  
11          mination in a proposed order issued pursuant to sec-  
12          tion 505G.

13          “(10)(A) The term ‘OTC monograph drug facil-  
14          ity’ means a foreign or domestic business or other  
15          entity that—

16                 “(i) is—

17                         “(I) under one management, either di-  
18                         rect or indirect; and

19                         “(II) at one geographic location or ad-  
20                         dress engaged in manufacturing or proc-  
21                         essing the finished dosage form of an OTC  
22                         monograph drug;

23                 “(ii) includes a finished dosage form man-  
24                 ufacturer facility in a contractual relationship  
25                 with the sponsor of one or more OTC mono-

1 graph drugs to manufacture or process such  
2 drugs; and

3 “(iii) does not include a business or other  
4 entity whose only manufacturing or processing  
5 activities are one or more of the following: pro-  
6 duction of clinical research supplies, testing, or  
7 placement of outer packaging on packages con-  
8 taining multiple products, for such purposes as  
9 creating multipacks, when each monograph  
10 drug product contained within the overpack-  
11 aging is already in a final packaged form prior  
12 to placement in the outer overpackaging.

13 “(B) For purposes of subparagraph (A)(i)(II),  
14 separate buildings or locations within close proximity  
15 are considered to be at one geographic location or  
16 address if the activities conducted in such buildings  
17 or locations are—

18 “(i) closely related to the same business  
19 enterprise;

20 “(ii) under the supervision of the same  
21 local management; and

22 “(iii) under a single FDA establishment  
23 identifier and capable of being inspected by the  
24 Food and Drug Administration during a single  
25 inspection.

1           “(C) If a business or other entity would meet  
2 criteria specified in subparagraph (A), but for being  
3 under multiple management, the business or other  
4 entity is deemed to constitute multiple facilities, one  
5 per management entity, for purposes of this para-  
6 graph.

7           “(11) The term ‘OTC monograph drug meet-  
8 ing’ means any meeting regarding the content of a  
9 proposed OTC monograph order request.

10           “(12) The term ‘person’ includes an affiliate of  
11 a person.

12           “(13) The terms ‘requestor’ and ‘sponsor’ have  
13 the meanings given such terms in section 505G.

14 **“SEC. 744M. AUTHORITY TO ASSESS AND USE OTC MONO-**  
15 **GRAPH FEES.**

16           “(a) TYPES OF FEES.—Beginning with fiscal year  
17 2021, the Secretary shall assess and collect fees in accord-  
18 ance with this section as follows:

19           “(1) FACILITY FEE.—

20           “(A) IN GENERAL.—Each person that  
21 owns a facility identified as an OTC monograph  
22 drug facility on December 31 of the fiscal year  
23 or at any time during the preceding 12-month  
24 period shall be assessed an annual fee for each

1 such facility as determined under subsection  
2 (c).

3 “(B) EXCEPTIONS.—

4 “(i) FACILITIES THAT CEASE ACTIVI-  
5 TIES.—A fee shall not be assessed under  
6 subparagraph (A) if the identified OTC  
7 monograph drug facility—

8 “(I) has ceased all activities re-  
9 lated to OTC monograph drugs prior  
10 to December 31 of the year imme-  
11 diately preceding the applicable fiscal  
12 year; and

13 “(II) has updated its registration  
14 to reflect such change under the re-  
15 quirements for drug establishment  
16 registration set forth in section 510.

17 “(ii) CONTRACT MANUFACTURING OR-  
18 GANIZATIONS.—The amount of the fee for  
19 a contract manufacturing organization fa-  
20 cility shall be equal to two-thirds of the  
21 amount of the fee for an OTC monograph  
22 drug facility that is not a contract manu-  
23 facturing organization facility.

1           “(C) AMOUNT.—The amount of fees estab-  
2           lished under subparagraph (A) shall be estab-  
3           lished under subsection (c).

4           “(D) DUE DATE.—

5           “(i) FOR FIRST PROGRAM YEAR.—For  
6           fiscal year 2021, the facility fees required  
7           under subparagraph (A) shall be due on  
8           the later of—

9                   “(I) the first business day of  
10                   June of 2020; or

11                   “(II) 45 calendar days after pub-  
12                   lication of the Federal Register notice  
13                   provided for under subsection  
14                   (c)(4)(A).

15           “(ii) SUBSEQUENT FISCAL YEARS.—  
16           For each fiscal year after fiscal year 2021,  
17           the facility fees required under subpara-  
18           graph (A) shall be due on the later of—

19                   “(I) the first business day of  
20                   June of such year; or

21                   “(II) the first business day after  
22                   the enactment of an appropriations  
23                   Act providing for the collection and  
24                   obligation of fees under this section  
25                   for such year.

1           “(2) OTC MONOGRAPH ORDER REQUEST  
2 FEE.—

3           “(A) IN GENERAL.—Each person that sub-  
4 mits an OTC monograph order request shall be  
5 subject to a fee for an OTC monograph order  
6 request. The amount of such fee shall be—

7           “(i) for a Tier 1 OTC monograph  
8 order request, \$500,000, adjusted for in-  
9 flation for the fiscal year (as determined  
10 under subsection (c)(1)(B)); and

11           “(ii) for a Tier 2 OTC monograph  
12 order request, \$100,000, adjusted for in-  
13 flation for the fiscal year (as determined  
14 under subsection (c)(1)(B)).

15           “(B) DUE DATE.—The OTC monograph  
16 order request fees required under subparagraph  
17 (A) shall be due on the date of submission of  
18 the OTC monograph order request.

19           “(C) EXCEPTION FOR CERTAIN SAFETY  
20 CHANGES.—A person who is named as the re-  
21 questor in an OTC monograph order shall not  
22 be subject to a fee under subparagraph (A) if  
23 the Secretary finds that the OTC monograph  
24 order request seeks to change the drug facts la-

1           belong of an OTC monograph drug in a way  
2           that would add to or strengthen—

3                   “(i) a contraindication, warning, or  
4                   precaution;

5                   “(ii) a statement about risk associated  
6                   with misuse or abuse; or

7                   “(iii) an instruction about dosage and  
8                   administration that is intended to increase  
9                   the safe use of the OTC monograph drug.

10           “(D) REFUND OF FEE IF ORDER REQUEST  
11           IS RECATEGORIZED AS A TIER 2 OTC MONO-  
12           GRAPH ORDER REQUEST.—If the Secretary de-  
13           termines that an OTC monograph request ini-  
14           tially characterized as Tier 1 shall be re-charac-  
15           terized as a Tier 2 OTC monograph order re-  
16           quest, and the requestor has paid a Tier 1 fee  
17           in accordance with subparagraph (A)(i), the  
18           Secretary shall refund the requestor the dif-  
19           ference between the Tier 1 and Tier 2 fees de-  
20           termined under subparagraphs (A)(i) and  
21           (A)(ii), respectively.

22           “(E) REFUND OF FEE IF ORDER REQUEST  
23           REFUSED FOR FILING OR WITHDRAWN BEFORE  
24           FILING.—The Secretary shall refund 75 percent  
25           of the fee paid under subparagraph (B) for any

1 order request which is refused for filing or was  
2 withdrawn before being accepted or refused for  
3 filing.

4 “(F) FEES FOR ORDER REQUESTS PRE-  
5 VIOUSLY REFUSED FOR FILING OR WITHDRAWN  
6 BEFORE FILING.—An OTC monograph order  
7 request that was submitted but was refused for  
8 filing, or was withdrawn before being accepted  
9 or refused for filing, shall be subject to the full  
10 fee under subparagraph (A) upon being resub-  
11 mitted or filed over protest.

12 “(G) REFUND OF FEE IF ORDER REQUEST  
13 WITHDRAWN.—If an order request is withdrawn  
14 after the order request was filed, the Secretary  
15 may refund the fee or a portion of the fee if no  
16 substantial work was performed on the order  
17 request after the application was filed. The Sec-  
18 retary shall have the sole discretion to refund a  
19 fee or a portion of the fee under this subpara-  
20 graph. A determination by the Secretary con-  
21 cerning a refund under this subparagraph shall  
22 not be reviewable.

23 “(3) REFUNDS.—

24 “(A) IN GENERAL.—Other than refunds  
25 provided pursuant to any of subparagraphs (D)



1 through (G) of paragraph (2), the Secretary  
2 shall not refund any fee paid under paragraph  
3 (1) except as provided in subparagraph (B).

4 “(B) DISPUTES CONCERNING FEES.—To  
5 qualify for the return of a fee claimed to have  
6 been paid in error under paragraph (1) or (2),  
7 a person shall submit to the Secretary a written  
8 request justifying such return within 180 cal-  
9 endar days after such fee was paid.

10 “(4) NOTICE.—Within the timeframe specified  
11 in subsection (c), the Secretary shall publish in the  
12 Federal Register the amount of the fees under para-  
13 graph (1) for such fiscal year.

14 “(b) FEE REVENUE AMOUNTS.—

15 “(1) FISCAL YEAR 2021.—For fiscal year 2021,  
16 fees under subsection (a)(1) shall be established to  
17 generate a total facility fee revenue amount equal to  
18 the sum of—

19 “(A) the annual base revenue for fiscal  
20 year 2021 (as determined under paragraph  
21 (3));

22 “(B) the dollar amount equal to the oper-  
23 ating reserve adjustment for the fiscal year, if  
24 applicable (as determined under subsection  
25 (c)(2)); and

1           “(C) additional direct cost adjustments (as  
2           determined under subsection (c)(3)).

3           “(2) SUBSEQUENT FISCAL YEARS.—For each of  
4           the fiscal years 2022 through 2025, fees under sub-  
5           section (a)(1) shall be established to generate a total  
6           facility fee revenue amount equal to the sum of—

7           “(A) the annual base revenue for the fiscal  
8           year (as determined under paragraph (3));

9           “(B) the dollar amount equal to the infla-  
10          tion adjustment for the fiscal year (as deter-  
11          mined under subsection (c)(1));

12          “(C) the dollar amount equal to the oper-  
13          ating reserve adjustment for the fiscal year, if  
14          applicable (as determined under subsection  
15          (c)(2));

16          “(D) additional direct cost adjustments (as  
17          determined under subsection (c)(3)); and

18          “(E) additional dollar amounts for each  
19          fiscal year as follows:

20                 “(i) \$7,000,000 for fiscal year 2022.

21                 “(ii) \$6,000,000 for fiscal year 2023.

22                 “(iii) \$7,000,000 for fiscal year 2024.

23                 “(iv) \$3,000,000 for fiscal year 2025.

24          “(3) ANNUAL BASE REVENUE.—For purposes  
25          of paragraphs (1)(A) and (2)(A), the dollar amount

1 of the annual base revenue for a fiscal year shall  
2 be—

3 “(A) for fiscal year 2021, \$8,000,000; and

4 “(B) for fiscal years 2022 through 2025,  
5 the dollar amount of the total revenue amount  
6 established under this subsection for the pre-  
7 vious fiscal year, not including any adjustments  
8 made under subsection (c)(2) or (c)(3).

9 “(c) ADJUSTMENTS; ANNUAL FEE SETTING.—

10 “(1) INFLATION ADJUSTMENT.—

11 “(A) IN GENERAL.—For purposes of sub-  
12 section (b)(2)(B), the dollar amount of the in-  
13 flation adjustment to the annual base revenue  
14 for fiscal year 2022 and each subsequent fiscal  
15 year shall be equal to the product of—

16 “(i) such annual base revenue for the  
17 fiscal year under subsection (b)(2); and

18 “(ii) the inflation adjustment percent-  
19 age under subparagraph (C).

20 “(B) OTC MONOGRAPH ORDER REQUEST  
21 FEES.—For purposes of subsection (a)(2), the  
22 dollar amount of the inflation adjustment to the  
23 fee for OTC monograph order requests for fis-  
24 cal year 2022 and each subsequent fiscal year  
25 shall be equal to the product of—



1 years of the preceding 4 fiscal years,  
2 multiplied by the proportion of per-  
3 sonnel compensation and benefits  
4 costs to total costs of OTC mono-  
5 graph drug activities for the first 3  
6 years of the preceding 4 fiscal years;  
7 and

8 “(II) the average annual percent  
9 change that occurred in the Consumer  
10 Price Index for urban consumers  
11 (Washington-Baltimore, DC–MD–VA–  
12 WV; Not Seasonally Adjusted; All  
13 items; Annual Index) for the first 3  
14 years of the preceding 4 years of  
15 available data multiplied by the pro-  
16 portion of all costs other than per-  
17 sonnel compensation and benefits  
18 costs to total costs of OTC mono-  
19 graph drug activities for the first 3  
20 years of the preceding 4 fiscal years.

21 “(2) OPERATING RESERVE ADJUSTMENT.—

22 “(A) IN GENERAL.—For fiscal year 2021  
23 and subsequent fiscal years, for purposes of  
24 subsections (b)(1)(B) and (b)(2)(C), the Sec-  
25 retary may, in addition to adjustments under

1 paragraph (1), further increase the fee revenue  
2 and fees if such an adjustment is necessary to  
3 provide operating reserves of carryover user  
4 fees for OTC monograph drug activities for not  
5 more than the number of weeks specified in  
6 subparagraph (B).

7 “(B) NUMBER OF WEEKS.—The number of  
8 weeks specified in this subparagraph is—

9 “(i) 3 weeks for fiscal year 2021;

10 “(ii) 7 weeks for fiscal year 2022;

11 “(iii) 10 weeks for fiscal year 2023;

12 “(iv) 10 weeks for fiscal year 2024;

13 and

14 “(v) 10 weeks for fiscal year 2025.

15 “(C) DECREASE.—If the Secretary has  
16 carryover balances for such process in excess of  
17 10 weeks of the operating reserves referred to  
18 in subparagraph (A), the Secretary shall de-  
19 crease the fee revenue and fees referred to in  
20 such subparagraph to provide for not more than  
21 10 weeks of such operating reserves.

22 “(D) RATIONALE FOR ADJUSTMENT.—If  
23 an adjustment under this paragraph is made,  
24 the rationale for the amount of the increase or  
25 decrease (as applicable) in fee revenue and fees

1 shall be contained in the annual Federal Reg-  
2 ister notice under paragraph (4) establishing  
3 fee revenue and fees for the fiscal year involved.

4 “(3) ADDITIONAL DIRECT COST ADJUST-  
5 MENT.—The Secretary shall, in addition to adjust-  
6 ments under paragraphs (1) and (2), further in-  
7 crease the fee revenue and fees for purposes of sub-  
8 section (b)(2)(D) by an amount equal to—

9 “(A) \$14,000,000 for fiscal year 2021;

10 “(B) \$7,000,000 for fiscal year 2022;

11 “(C) \$4,000,000 for fiscal year 2023;

12 “(D) \$3,000,000 for fiscal year 2024; and

13 “(E) \$3,000,000 for fiscal year 2025.

14 “(4) ANNUAL FEE SETTING.—

15 “(A) FISCAL YEAR 2021.—The Secretary  
16 shall, not later than the second Monday in  
17 March of 2020—

18 “(i) establish OTC monograph drug  
19 facility fees for fiscal year 2021 under sub-  
20 section (a), based on the revenue amount  
21 for such year under subsection (b) and the  
22 adjustments provided under this sub-  
23 section; and

1                   “(ii) publish fee revenue, facility fees,  
2                   and OTC monograph order requests in the  
3                   Federal Register.

4                   “(B) SUBSEQUENT FISCAL YEARS.—The  
5                   Secretary shall, for each fiscal year that begins  
6                   after September 30, 2021, not later than the  
7                   second Monday in March that precedes such fis-  
8                   cal year—

9                   “(i) establish for such fiscal year,  
10                  based on the revenue amounts under sub-  
11                  section (b) and the adjustments provided  
12                  under this subsection—

13                  “(I) OTC monograph drug facil-  
14                  ity fees under subsection (a)(1); and

15                  “(II) OTC monograph order re-  
16                  quest fees under subsection (a)(2);  
17                  and

18                  “(ii) publish such fee revenue  
19                  amounts, facility fees, and OTC mono-  
20                  graph order request fees in the Federal  
21                  Register.

22                  “(d) IDENTIFICATION OF FACILITIES.—Each person  
23                  that owns an OTC monograph drug facility shall submit  
24                  to the Secretary the information required under this sub-



1 section each year. Such information shall, for each fiscal  
2 year—

3 “(1) be submitted as part of the requirements  
4 for drug establishment registration set forth in sec-  
5 tion 510; and

6 “(2) include for each such facility, at a min-  
7 imum, identification of the facility’s business oper-  
8 ation as that of an OTC monograph drug facility.

9 “(e) EFFECT OF FAILURE TO PAY FEES.—

10 “(1) OTC MONOGRAPH DRUG FACILITY FEE.—

11 “(A) IN GENERAL.—Failure to pay the fee  
12 under subsection (a)(1) within 20 calendar days  
13 of the due date as specified in subparagraph  
14 (D) of such subsection shall result in the fol-  
15 lowing:

16 “(i) The Secretary shall place the fa-  
17 cility on a publicly available arrears list.

18 “(ii) All OTC monograph drugs man-  
19 ufactured in such a facility or containing  
20 an ingredient manufactured in such a facil-  
21 ity shall be deemed misbranded under sec-  
22 tion 502(ff).

23 “(B) APPLICATION OF PENALTIES.—The  
24 penalties under this paragraph shall apply until  
25 the fee established by subsection (a)(1) is paid.

1           “(2) ORDER REQUESTS.—An OTC monograph  
2           order request submitted by a person subject to fees  
3           under subsection (a) shall be considered incomplete  
4           and shall not be accepted for filing by the Secretary  
5           until all fees owed by such person under this section  
6           have been paid.

7           “(3) MEETINGS.—A person subject to fees  
8           under this section shall be considered ineligible for  
9           OTC monograph drug meetings until all such fees  
10          owed by such person have been paid.

11          “(f) CREDITING AND AVAILABILITY OF FEES.—

12                 “(1) IN GENERAL.—Fees authorized under sub-  
13                 section (a) shall be collected and available for obliga-  
14                 tion only to the extent and in the amount provided  
15                 in advance in appropriations Acts. Such fees are au-  
16                 thorized to remain available until expended. Such  
17                 sums as may be necessary may be transferred from  
18                 the Food and Drug Administration salaries and ex-  
19                 penses appropriation account without fiscal year lim-  
20                 itation to such appropriation account for salaries  
21                 and expenses with such fiscal year limitation. The  
22                 sums transferred shall be available solely for OTC  
23                 monograph drug activities.

24                 “(2) COLLECTIONS AND APPROPRIATION  
25                 ACTS.—

1           “(A) IN GENERAL.—Subject to subpara-  
2 graph (C), the fees authorized by this section  
3 shall be collected and available in each fiscal  
4 year in an amount not to exceed the amount  
5 specified in appropriation Acts, or otherwise  
6 made available for obligation, for such fiscal  
7 year.

8           “(B) USE OF FEES AND LIMITATION.—  
9 The fees authorized by this section shall be  
10 available to defray increases in the costs of the  
11 resources allocated for OTC monograph drug  
12 activities (including increases in such costs for  
13 an additional number of full-time equivalent po-  
14 sitions in the Department of Health and  
15 Human Services to be engaged in such activi-  
16 ties), only if the Secretary allocates for such  
17 purpose an amount for such fiscal year (exclud-  
18 ing amounts from fees collected under this sec-  
19 tion) no less than \$12,000,000, multiplied by  
20 the adjustment factor applicable to the fiscal  
21 year involved under subsection (c)(1).

22           “(C) COMPLIANCE.—The Secretary shall  
23 be considered to have met the requirements of  
24 subparagraph (B) in any fiscal year if the costs  
25 funded by appropriations and allocated for OTC

1 monograph drug activities are not more than 15  
2 percent below the level specified in such sub-  
3 paragraph.

4 “(D) PROVISION FOR EARLY PAYMENTS IN  
5 SUBSEQUENT YEARS.—Payment of fees author-  
6 ized under this section for a fiscal year (after  
7 fiscal year 2021), prior to the due date for such  
8 fees, may be accepted by the Secretary in ac-  
9 cordance with authority provided in advance in  
10 a prior year appropriations Act.

11 “(3) AUTHORIZATION OF APPROPRIATIONS.—  
12 For each of the fiscal years 2021 through 2025,  
13 there is authorized to be appropriated for fees under  
14 this section an amount equal to the total amount of  
15 fees assessed for such fiscal year under this section.

16 “(g) COLLECTION OF UNPAID FEES.—In any case  
17 where the Secretary does not receive payment of a fee as-  
18 sessed under subsection (a) within 30 calendar days after  
19 it is due, such fee shall be treated as a claim of the United  
20 States Government subject to subchapter II of chapter 37  
21 of title 31, United States Code.

22 “(h) CONSTRUCTION.—This section may not be con-  
23 strued to require that the number of full-time equivalent  
24 positions in the Department of Health and Human Serv-  
25 ices, for officers, employers, and advisory committees not

1 engaged in OTC monograph drug activities, be reduced  
2 to offset the number of officers, employees, and advisory  
3 committees so engaged.

4 **“SEC. 744N. REAUTHORIZATION; REPORTING REQUIRE-**  
5 **MENTS.**

6 “(a) PERFORMANCE REPORT.—Beginning with fiscal  
7 year 2021, and not later than 120 calendar days after the  
8 end of each fiscal year thereafter for which fees are col-  
9 lected under this part, the Secretary shall prepare and  
10 submit to the Committee on Energy and Commerce of the  
11 House of Representatives and the Committee on Health,  
12 Education, Labor, and Pensions of the Senate a report  
13 concerning the progress of the Food and Drug Adminis-  
14 tration in achieving the goals identified in the letters de-  
15 scribed in section 3861(b) of the CARES Act during such  
16 fiscal year and the future plans of the Food and Drug  
17 Administration for meeting such goals.

18 “(b) FISCAL REPORT.—Not later than 120 calendar  
19 days after the end of fiscal year 2021 and each subsequent  
20 fiscal year for which fees are collected under this part,  
21 the Secretary shall prepare and submit to the Committee  
22 on Energy and Commerce of the House of Representatives  
23 and the Committee on Health, Education, Labor, and  
24 Pensions of the Senate a report on the implementation  
25 of the authority for such fees during such fiscal year and

1 the use, by the Food and Drug Administration, of the fees  
2 collected for such fiscal year.

3 “(c) PUBLIC AVAILABILITY.—The Secretary shall  
4 make the reports required under subsections (a) and (b)  
5 available to the public on the internet website of the Food  
6 and Drug Administration.

7 “(d) REAUTHORIZATION.—

8 “(1) CONSULTATION.—In developing rec-  
9 ommendations to present to the Congress with re-  
10 spect to the goals described in subsection (a), and  
11 plans for meeting the goals, for OTC monograph  
12 drug activities for the first 5 fiscal years after fiscal  
13 year 2025, and for the reauthorization of this part  
14 for such fiscal years, the Secretary shall consult  
15 with—

16 “(A) the Committee on Energy and Com-  
17 merce of the House of Representatives;

18 “(B) the Committee on Health, Education,  
19 Labor, and Pensions of the Senate;

20 “(C) scientific and academic experts;

21 “(D) health care professionals;

22 “(E) representatives of patient and con-  
23 sumer advocacy groups; and

24 “(F) the regulated industry.

1           “(2) PUBLIC REVIEW OF RECOMMENDA-  
2           TIONS.—After negotiations with the regulated indus-  
3           try, the Secretary shall—

4                   “(A) present the recommendations devel-  
5                   oped under paragraph (1) to the congressional  
6                   committees specified in such paragraph;

7                   “(B) publish such recommendations in the  
8                   Federal Register;

9                   “(C) provide for a period of 30 calendar  
10                  days for the public to provide written comments  
11                  on such recommendations;

12                  “(D) hold a meeting at which the public  
13                  may present its views on such recommenda-  
14                  tions; and

15                  “(E) after consideration of such public  
16                  views and comments, revise such recommenda-  
17                  tions as necessary.

18           “(3) TRANSMITTAL OF RECOMMENDATIONS.—  
19           Not later than January 15, 2025, the Secretary  
20           shall transmit to the Congress the revised rec-  
21           ommendations under paragraph (2), a summary of  
22           the views and comments received under such para-  
23           graph, and any changes made to the recommenda-  
24           tions in response to such views and comments.”.

1 **TITLE IV—ECONOMIC STA-**  
2 **BILIZATION AND ASSISTANCE**  
3 **TO SEVERELY DISTRESSED**  
4 **SECTORS OF THE UNITED**  
5 **STATES ECONOMY**

6 **SEC. 4001. SHORT TITLE.**

7 This title may be cited as the “Coronavirus Economic  
8 Stabilization Act of 2020”.

9 **SEC. 4002. DEFINITIONS.**

10 In this title:

11 (1) AIR CARRIER.—The term “air carrier” has  
12 the meaning such term has under section 40102 of  
13 title 49, United States Code.

14 (2) CORONAVIRUS.—The term “coronavirus”  
15 means SARS-CoV-2 or another coronavirus with  
16 pandemic potential.

17 (3) COVERED LOSS.—The term “covered loss”  
18 includes losses incurred directly or indirectly as a re-  
19 sult of coronavirus, as determined by the Secretary.

20 (4) ELIGIBLE BUSINESS.—The term “eligible  
21 business” means—

22 (A) an air carrier; or

23 (B) a United States business that has not  
24 otherwise received adequate economic relief in



1           the form of loans or loan guarantees provided  
2           under this Act.

3           (5) SECRETARY.—The term “Secretary” means  
4           the Secretary of the Treasury, or the designee of the  
5           Secretary of the Treasury.

6           (6) STATE.—The term “State” means any of  
7           the several States, the District of Columbia, any of  
8           the territories and possessions of the United States,  
9           and any Indian tribe.

10 **SEC. 4003. EMERGENCY RELIEF AND TAXPAYER PROTEC-**  
11 **TIONS.**

12           (a) IN GENERAL.—Notwithstanding any other provi-  
13 sion of law, to provide liquidity to eligible businesses,  
14 States, and municipalities related to losses incurred as a  
15 result of coronavirus, the Secretary is authorized to make  
16 loans, loan guarantees, and other investments in support  
17 of eligible businesses, States, and municipalities that do  
18 not, in the aggregate, exceed \$500,000,000,000 and pro-  
19 vide the subsidy amounts necessary for such loans, loan  
20 guarantees, and other investments in accordance with the  
21 provisions of the Federal Credit Reform Act of 1990 (2  
22 U.S.C. 661 et seq.).

23           (b) LOANS, LOAN GUARANTEES, AND OTHER IN-  
24 VESTMENTS.—Loans, loan guarantees, and other invest-

1 ments made pursuant to subsection (a) shall be made  
2 available as follows:

3 (1) Not more than \$50,000,000,000 shall be  
4 available to make loans and loan guarantees for pas-  
5 senger air carriers.

6 (2) Not more than \$8,000,000,000 shall be  
7 available to make loans and loan guarantees for  
8 cargo air carriers.

9 (3) Not more than \$17,000,000,000 shall be  
10 available to make loans and loan guarantees for  
11 businesses critical to maintaining national security.

12 (4) Not more than the sum of  
13 \$425,000,000,000 and any amounts available under  
14 paragraphs (1), (2), and (3) that are not used as  
15 provided under those paragraphs shall be available  
16 to make loans and loan guarantees to, and other in-  
17 vestments in, programs or facilities established by  
18 the Board of Governors of the Federal Reserve Sys-  
19 tem for the purpose of providing liquidity to the fi-  
20 nancial system that supports lending to eligible busi-  
21 nesses, States, or municipalities by—

22 (A) purchasing obligations or other inter-  
23 ests directly from issuers of such obligations or  
24 other interests; or

1           (B) purchasing obligations or other inter-  
2           ests in secondary markets or otherwise.

3           (c) TERMS AND CONDITIONS.—

4           (1) IN GENERAL.—

5           (A) FORMS; TERMS AND CONDITIONS.—A  
6           loan, loan guarantee, or other investment shall  
7           be made under this section in such form and on  
8           such terms and conditions and contain such  
9           covenants, representations, warranties, and re-  
10          quirements (including requirements for audits)  
11          as the Secretary determines appropriate. Any  
12          loans made by the Secretary under this section  
13          shall be at a rate determined by the Secretary  
14          based on the risk and the current average yield  
15          on outstanding marketable obligations of the  
16          United States of comparable maturity.

17          (B) PROCEDURES.—As soon as prac-  
18          ticable, but in no case later than 10 days after  
19          the date of enactment of this Act, the Secretary  
20          shall publish procedures for application and  
21          minimum requirements, which may be supple-  
22          mented by the Secretary in the Secretary's dis-  
23          cretion, for making loans, loan guarantees, or  
24          other investments under paragraphs (1), (2),  
25          and (3) of subsection (b).

1           (2) LOANS AND LOAN GUARANTEES.—The Sec-  
2           retary may enter into agreements to make loans or  
3           loan guarantees to 1 or more eligible businesses  
4           under paragraphs (1), (2), or (3) of subsection (b)  
5           if the Secretary determines that, in the Secretary’s  
6           discretion—

7                   (A) the applicant is an eligible business for  
8                   which credit is not reasonably available at the  
9                   time of the transaction;

10                   (B) the intended obligation by the appli-  
11                   cant is prudently incurred;

12                   (C) the loan or loan guarantee is suffi-  
13                   ciently secured or is made at a rate that—

14                           (i) reflects the risk of the loan or loan  
15                           guarantee; and

16                           (ii) is to the extent practicable, not  
17                           less than an interest rate based on market  
18                           conditions for comparable obligations prev-  
19                           alent prior to the outbreak of the  
20                           coronavirus disease 2019 (COVID–19);

21                   (D) the duration of the loan or loan guar-  
22                   antee is as short as practicable and in any case  
23                   not longer than 5 years;

24                   (E) except to the extent required under a  
25                   contractual obligation in effect as of the date of

1 enactment of this Act, the agreement prohibits  
2 the eligible business from repurchasing any out-  
3 standing equity interests while the loan or loan  
4 guarantee is outstanding;

5 (F) the agreement requires the eligible  
6 business to maintain its existing employment  
7 levels as of March 13, 2020, to the extent prac-  
8 ticable, while the loan or loan guarantee is out-  
9 standing; and

10 (G) for purposes of a loan or loan guar-  
11 antee under subsection (b)(3), the eligible bor-  
12 rower must have incurred or is expected to  
13 incur covered losses such that the continued op-  
14 erations of the business are jeopardized, as de-  
15 termined by the Secretary.

16 (3) FEDERAL RESERVE PROGRAMS OR FACILI-  
17 TIES AND OTHER LOANS OR LOAN GUARANTEES.—

18 (A) TERMS AND CONDITIONS.—

19 (i) DEFINITION.—In this subpara-  
20 graph, the term “direct loan” means a  
21 loan under a bilateral loan agreement that  
22 is entered into directly with an eligible  
23 business as borrower and that is not part  
24 of a syndicated loan, a loan originated by  
25 a financial institution in the ordinary

1 course of business, or a securities or cap-  
2 ital markets transaction.

3 (ii) PROHIBITION ON SHARE REPUR-  
4 CHASES.—The Secretary may make a loan,  
5 loan guarantee, or other investment under  
6 subsection (b)(4) as part of a program or  
7 facility that provides direct loans only if  
8 the relevant eligible businesses agree not to  
9 repurchase any outstanding equity inter-  
10 ests while the direct loan is outstanding,  
11 except to the extent required under a con-  
12 tractual obligation in effect as of the date  
13 of enactment of this Act.

14 (iii) WAIVER.—The Secretary may  
15 waive the requirement under clause (ii)  
16 with respect to any program or facility  
17 upon a determination that such waiver is  
18 not necessary to protect the interests of  
19 the Federal Government.

20 (B) PROHIBITION ON LOAN FORGIVE-  
21 NESS.—The principal amount of any obligation  
22 issued by an eligible business, State, or munici-  
23 pality that is acquired under a program or facil-  
24 ity under paragraph (1), (2), (3), or (4) of sub-

1 section (b) shall not be reduced through loan  
2 forgiveness.

3 (C) FEDERAL RESERVE ACT TAXPAYER  
4 PROTECTIONS AND OTHER REQUIREMENTS  
5 APPLY.—For the avoidance of doubt, any appli-  
6 cable requirements under section 13(3) of the  
7 Federal Reserve Act (12 U.S.C. 343(3)), in-  
8 cluding requirements relating to loan  
9 collateralization, taxpayer protection, and bor-  
10 rower solvency, shall apply with respect to any  
11 obligation or other interest issued by an eligible  
12 business, State, or municipality that is acquired  
13 under a program or facility under subsection  
14 (b)(4).

15 (d) FINANCIAL PROTECTION OF GOVERNMENT.—

16 (1) IN GENERAL.—To the extent feasible and  
17 practicable, the Secretary shall ensure that the com-  
18 pensation of the Federal Government is commensu-  
19 rate to the risk assumed in making loans and loan  
20 guarantees under this section. The Secretary shall  
21 liquidate any equity interests the Secretary acquires  
22 under this section as soon as reasonably practicable,  
23 consistent with maximizing returns to the Federal  
24 Government. The Secretary shall not exercise voting

1 power with respect to any shares of common stock  
2 acquired under this section.

3 (2) GOVERNMENT PARTICIPATION IN GAINS.—If  
4 an eligible business receives a loan or loan guarantee  
5 under paragraphs (1), (2), or (3) of subsection (b),  
6 the Secretary is authorized to enter into contracts  
7 under which the Federal Government, contingent on  
8 the financial success of the eligible business, would  
9 participate in the gains of the eligible business or its  
10 security holders through the use of such instruments  
11 as warrants, stock options, common or preferred  
12 stock, or other appropriate equity instruments, pro-  
13 vided that the Secretary shall not exercise voting  
14 power with respect to any shares of common stock  
15 so acquired.

16 (e) DEPOSIT OF PROCEEDS.—Amounts collected by  
17 the Secretary under this section, including the repayment  
18 of principal, proceeds of investments, earnings, and inter-  
19 est collected, shall be deposited as follows:

20 (1) Amounts collected under paragraphs (1) or  
21 (2) of subsection (b) shall be deposited in the Air-  
22 port and Airway Trust Fund under section 9502 of  
23 the Internal Revenue Code of 1986 up to the  
24 amount of the difference between—



1           (A) the amount of deposits in such fund  
2           forecast in such fund's budget for fiscal year  
3           2020; and

4           (B) the amount deposited in such fund  
5           during fiscal year 2020.

6           (2) Amounts collected under paragraphs (3) or  
7           (4) of subsection (b) and any amount collected  
8           under paragraphs (1) or (2) of subsection (b) that  
9           is not deposited in the Airport and Airway Trust  
10          Fund under the preceding subparagraph, shall be  
11          deposited in the Treasury as miscellaneous receipts.

12          (f) ADMINISTRATIVE PROVISIONS.—Notwithstanding  
13          any other provision of law, the Secretary may use not  
14          greater than \$100,000,000 of the funds made available  
15          under this section to pay costs and administrative ex-  
16          penses associated with the loans, loan guarantees, and  
17          other investments authorized under this section. The Sec-  
18          retary is authorized to take such actions as the Secretary  
19          deems necessary to carry out the authorities in this chap-  
20          ter, including, without limitation—

21                 (1) using direct hiring authority to hire employ-  
22                 ees to administer this title;

23                 (2) entering into contracts, including contracts  
24                 for services authorized by this title;

1           (3) establishing vehicles that are authorized,  
2           subject to supervision by the Secretary, to purchase,  
3           hold, and sell assets and issue obligations; and

4           (4) issuing such regulations and other guidance  
5           as may be necessary or appropriate to carry out the  
6           authorities or purposes of this title.

7           (g) FINANCIAL AGENTS.—The Secretary is author-  
8           ized to designate financial institutions, including but not  
9           limited to, depositories, brokers, dealers, and other institu-  
10          tions, as financial agents of the United States. Such insti-  
11          tutions shall—

12           (1) perform all reasonable duties the Secretary  
13           determines necessary to respond to the coronavirus;  
14           and

15           (2) shall be paid for such duties using appro-  
16           priations available to the Secretary to reimburse fi-  
17           nancial institutions in their capacity as financial  
18           agents of the United States.

19           (h) LOANS MADE BY OR GUARANTEED BY THE DE-  
20          PARTMENT OF THE TREASURY TREATED AS INDEBTED-  
21          NESS FOR TAX PURPOSES.—

22           (1) IN GENERAL.—Any loan made by or guar-  
23           anteed by the Department of the Treasury under  
24           this section shall be treated as indebtedness for pur-  
25           poses of the Internal Revenue Code of 1986, shall be

1 treated as issued for its stated principal amount,  
2 and stated interest on such loans shall be treated as  
3 qualified stated interest.

4 (2) REGULATIONS OR GUIDANCE.—The Sec-  
5 retary of the Treasury (or the Secretary’s delegate)  
6 shall prescribe such regulations or guidance as may  
7 be necessary or appropriate to carry out the pur-  
8 poses of this section, including guidance providing  
9 that the acquisition of warrants, stock options, com-  
10 mon or preferred stock or other equity under this  
11 section does not result in an ownership change for  
12 purposes of section 382 of the Internal Revenue  
13 Code of 1986.

14 **SEC. 4004. LIMITATION ON CERTAIN EMPLOYEE COM-**  
15 **PENSATION.**

16 (a) IN GENERAL.—The Secretary may only enter into  
17 an agreement directly with an eligible business to make  
18 a loan or loan guarantee under paragraph (1), (2), or (3)  
19 of section 4003(b) if such agreement provides that, during  
20 the 2-year period beginning March 1, 2020, and ending  
21 March 1, 2022, no officer or employee of the eligible busi-  
22 ness whose total compensation exceeded \$425,000 in cal-  
23 endar year 2019 (other than an employee whose com-  
24 pensation is determined through an existing collective bar-  
25 gaining agreement entered into prior to March 1, 2020)—

1           (1) will receive from the eligible business total  
2           compensation which exceeds, during any 12 consecu-  
3           tive months of such 2-year period, the total com-  
4           pensation received by the officer or employee from  
5           the eligible business in calendar year 2019; and

6           (2) will receive from the eligible business sever-  
7           ance pay or other benefits upon termination of em-  
8           ployment with the eligible business which exceeds  
9           twice the maximum total compensation received by  
10          the officer or employee from the eligible business in  
11          calendar year 2019.

12          (b) **TOTAL COMPENSATION DEFINED.**—In this sec-  
13          tion, the term “total compensation” includes salary, bo-  
14          nuses, awards of stock, and other financial benefits pro-  
15          vided by an eligible business to an officer or employee of  
16          the eligible business.

17          **SEC. 4005. CONTINUATION OF CERTAIN AIR SERVICE.**

18          The Secretary of Transportation is authorized to re-  
19          quire, to the extent reasonable and practicable, an air car-  
20          rier receiving loans and loan guarantees under section  
21          4003 to maintain scheduled air transportation service as  
22          the Secretary of Transportation deems necessary to ensure  
23          services to any point served by that carrier before March  
24          1, 2020. When considering whether to exercise the author-  
25          ity granted by this section, the Secretary of Transpor-

1 tation shall take into consideration the air transportation  
2 needs of small and remote communities. The authority  
3 under this section, including any requirement issued by  
4 the Secretary under this section, shall terminate on March  
5 1, 2022.

6 **SEC. 4006. COORDINATION WITH SECRETARY OF TRANS-**  
7 **PORTATION.**

8 In implementing this title with respect to air carriers,  
9 the Secretary shall coordinate with the Secretary of  
10 Transportation.

11 **SEC. 4007. SUSPENSION OF CERTAIN AVIATION EXCISE**  
12 **TAXES.**

13 (a) **TRANSPORTATION BY AIR.**—In the case of any  
14 amount paid for transportation by air (including any  
15 amount treated as paid for transportation by air by reason  
16 of section 4261(e)(3) of the Internal Revenue Code of  
17 1986) during the excise tax holiday period, no tax shall  
18 be imposed under section 4261 or 4271 of such Code. The  
19 preceding sentence shall not apply to amounts paid on or  
20 before the date of the enactment of this Act.

21 (b) **USE OF KEROSENE IN COMMERCIAL AVIATION.**—  
22 In the case of kerosene used in commercial aviation (as  
23 defined in section 4083 of the Internal Revenue Code of  
24 1986) during the excise tax holiday period—



1           “(h) APPROVAL OF GUARANTEE PROGRAM DURING  
2 THE COVID-19 CRISIS.—For purposes of the congressional  
3 joint resolution of approval provided for in subsections  
4 (c)(1) and (2) and (d), notwithstanding any other provi-  
5 sion of this section, the Federal Deposit Insurance Cor-  
6 poration is approved upon enactment of this Act to estab-  
7 lish a program provided for in subsection (a) without a  
8 maximum guarantee provided that any such program and  
9 any such guarantee shall terminate not later than Decem-  
10 ber 31, 2020.”.

11           (b) FEDERAL CREDIT UNION TRANSACTION AC-  
12 COUNT GUARANTEES.—Notwithstanding any other provi-  
13 sion of law and in coordination with the Federal Deposit  
14 Insurance Corporation, the National Credit Union Admin-  
15 istration Board may by a vote of the Board increase to  
16 unlimited, or such lower amount as the Board approves,  
17 the share insurance coverage provided by the National  
18 Credit Union Share Insurance Fund on any noninterest-  
19 bearing transaction account in any federally insured credit  
20 union without exception, provided that any such increase  
21 shall terminate not later than December 31, 2020.

22 **SEC. 4009. TEMPORARY GOVERNMENT IN THE SUNSHINE**  
23 **ACT RELIEF.**

24           (a) IN GENERAL.—Except as provided in subsection  
25 (b), notwithstanding any other provision of law, if the

1 Chairman of the Board of Governors of the Federal Re-  
2 serve System determines, in writing, that unusual and exi-  
3 gent circumstances exist, the Board may conduct meetings  
4 without regard to the requirements of section 552b of title  
5 5, United States Code, during the period beginning on the  
6 date of enactment of this Act and ending on the earlier  
7 of—

8           (1) the date on which the public health emer-  
9           gency declared by the Secretary of Health and  
10          Human Services on January 31, 2020, under section  
11          319 of the Public Health Service Act (42 U.S.C.  
12          247d), terminates; or

13           (2) December 31, 2020.

14          (b) RECORDS.—The Board of Governors of the Fed-  
15          eral Reserve System shall keep a record of all Board votes  
16          and the reasons for such votes during the period described  
17          in subsection (a).

18 **SEC. 4010. TEMPORARY HIRING FLEXIBILITY.**

19          (a) DEFINITION.—In this section, the term “covered  
20          period” means the period beginning on the date of enact-  
21          ment of this Act and ending on the sooner of—

22           (1) the termination date of the public health  
23           emergency declared by the Secretary of Health and  
24           Human Services on January 31, 2020, under section



1           319 of the Public Health Services Act (42 U.S.C.  
2           247d) in response to COVID–19; or

3                   (2) December 31, 2020.

4           (b) **AUTHORITY.**— During the covered period, the  
5 Secretary of Housing and Urban Development and the Se-  
6 curities and Exchange Commission may, without regard  
7 to sections 3309 through 3318 of title 5, United States  
8 Code, recruit and appoint candidates to fill temporary and  
9 term appointments within their respective agencies upon  
10 a determination that those expedited procedures are nec-  
11 essary and appropriate to enable the respective agencies  
12 to prevent, prepare for, or respond to COVID–19.

13 **SEC. 4011. TEMPORARY LENDING LIMIT WAIVER.**

14           (a) **IN GENERAL.**—Section 5200 of the Revised Stat-  
15 utes of the United States (12 U.S.C. 84) is amended—

16                   (1) in subsection (c)(7)—

17                           (A) by inserting “any nonbank financial  
18 company (as that term is defined in section 102  
19 of the Financial Stability Act of 2010 (12  
20 U.S.C. 5311)),” after “Loans or extensions of  
21 credit to”; and

22                           (B) by striking “financial institution or to”  
23 and inserting “financial institution, or to”; and

24                   (2) in subsection (d), by adding at the end of  
25 paragraph (1) the following: “The Comptroller of

1 the Currency may, by order, exempt any transaction  
2 or series of transactions from the requirements of  
3 this section upon a finding by the Comptroller that  
4 such exemption is in the public interest and con-  
5 sistent with the purposes of this section.”.

6 (b) EFFECTIVE PERIOD.—This section, and the  
7 amendments made by this section, shall be effective during  
8 the period beginning on the date of enactment of this Act  
9 and ending on the sooner of—

10 (1) the termination date of the public health  
11 emergency declared by the Secretary of Health and  
12 Human Services on January 31, 2020, under section  
13 319 of the Public Health Services Act (42 U.S.C.  
14 247d) in response to COVID–19; or

15 (2) December 31, 2020.

16 **SEC. 4012. TEMPORARY RELIEF FOR COMMUNITY BANKS.**

17 (a) DEFINITIONS.—In this section—

18 (1) the term “appropriate Federal banking  
19 agency” has the meaning given the term in section  
20 2 of the Economic Growth, Regulatory Relief, and  
21 Consumer Protection Act (12 U.S.C. 5365 note);  
22 and

23 (2) the terms “Community Bank Leverage  
24 Ratio” and “qualifying community bank” have the  
25 meanings given the terms in section 201(a) of the

1 Economic Growth, Regulatory Relief, and Consumer  
2 Protection Act (12 U.S.C. 5371 note).

3 (b) INTERIM RULE.—

4 (1) IN GENERAL.—Notwithstanding any other  
5 provision of law or regulation, the appropriate Fed-  
6 eral banking agencies shall issue an interim final  
7 rule that provides that, for the purposes of section  
8 201 of the Economic Growth, Regulatory Relief, and  
9 Consumer Protection Act (12 U.S.C. 5371 note)—

10 (A) the Community Bank Leverage Ratio  
11 shall be 8 percent; and

12 (B) a qualifying community bank that falls  
13 below the Community Bank Leverage Ratio es-  
14 tablished under subparagraph (A) shall have a  
15 reasonable grace period to satisfy the Commu-  
16 nity Bank Leverage Ratio.

17 (2) EFFECTIVE PERIOD.—The interim rule  
18 issued under paragraph (1) shall be effective during  
19 the period beginning on the date on which the ap-  
20 propriate Federal banking agencies issue the rule  
21 and ending on the sooner of—

22 (A) the termination date of the public  
23 health emergency declared by the Secretary of  
24 Health and Human Services on January 31,  
25 2020, under section 319 of the Public Health

1 Services Act (42 U.S.C. 247d) in response to  
2 COVID-19; or

3 (B) December 31, 2020.

4 (c) GRACE PERIOD.—During a grace period de-  
5 scribed in paragraph (1)(B), a qualifying community bank  
6 to which the grace period applies may continue to be treat-  
7 ed as a qualifying community bank and shall be presumed  
8 to satisfy the capital and leverage requirements described  
9 in section 201(c) of the Economic Growth, Regulatory Re-  
10 lief, and Consumer Protection Act (12 U.S.C. 5371 note).

11 **SEC. 4013. TEMPORARY RELIEF FROM TROUBLED DEBT**  
12 **RESTRUCTURINGS.**

13 (a) DEFINITIONS.—In this section:

14 (1) APPLICABLE PERIOD.—The term “applica-  
15 ble period” means the period beginning on March 1,  
16 2020 and ending on the date 60 days after the date  
17 on which the public health emergency declared by  
18 the Secretary of Health and Human Services on  
19 January 31, 2020, under section 319 of the Public  
20 Health Service Act (42 U.S.C. 247d), terminates.

21 (2) APPROPRIATE FEDERAL BANKING AGEN-  
22 CY.—The term “appropriate Federal banking agen-  
23 cy”—

1 (A) has the meaning given the term in sec-  
2 tion 3 of the Federal Deposit Insurance Act (12  
3 U.S.C. 1813); and

4 (B) includes the National Credit Union  
5 Administration.

6 (b) SUSPENSION.—

7 (1) IN GENERAL.—During the applicable pe-  
8 riod, a financial institution may elect to—

9 (A) suspend the requirements under  
10 United States generally accepted accounting  
11 principles for loan modifications related to the  
12 coronavirus disease 2019 (COVID–19) pan-  
13 demic that would otherwise be categorized as a  
14 troubled debt restructuring; and

15 (B) suspend any determination of a loan  
16 modified as a result of the effects of the  
17 coronavirus disease 2019 (COVID–19) pan-  
18 demic as being a troubled debt restructuring,  
19 including impairment for accounting purposes.

20 (2) APPLICABILITY.—Any suspension under  
21 paragraph (1)—

22 (A) shall be applicable for the term of the  
23 loan modification, but solely with respect to any  
24 modification, including a forbearance arrange-  
25 ment, an interest rate modification, a repay-

1           ment plan, and any other similar arrangement  
2           that defers or delays the payment of principal  
3           or interest, that occurs during the applicable  
4           period for a loan that was not more than 30  
5           days past due as of December 31, 2019; and

6                   (B) shall not apply to any adverse impact  
7           on the credit of a borrower that is not related  
8           to the coronavirus disease 2019 (COVID–19)  
9           pandemic.

10          (c) DEFERENCE.—The appropriate Federal banking  
11       agency of the financial institution shall defer to the deter-  
12       mination of the financial institution to make a suspension  
13       under this section.

14          (d) RECORDS.—For modified loans for which suspen-  
15       sions under subsection (a) apply—

16               (1) financial institutions should continue to  
17       maintain records of the volume of loans involved;  
18       and

19               (2) the appropriate Federal banking agencies  
20       may collect data about such loans for supervisory  
21       purposes.

22       **SEC. 4014. OPTIONAL TEMPORARY RELIEF FROM CURRENT**  
23                   **EXPECTED CREDIT LOSSES.**

24          (a) DEFINITIONS.—In this section:

1           (1) APPROPRIATE FEDERAL BANKING AGEN-  
2           CY.—The term “appropriate Federal banking agen-  
3           cy”—

4                   (A) has the meaning given the term in sec-  
5           tion 3 of the Federal Deposit Insurance Act (12  
6           U.S.C. 1813); and

7                   (B) includes the National Credit Union  
8           Administration.

9           (2) INSURED DEPOSITORY INSTITUTION.—The  
10          term “insured depository institution”—

11                   (A) has the meaning given the term in sec-  
12          tion 3 of the Federal Deposit Insurance Act (12  
13          U.S.C. 1813); and

14                   (B) includes a federally insured credit  
15          union.

16          (b) TEMPORARY RELIEF FROM CECL STAND-  
17          ARDS.—Notwithstanding any other provision of law, no in-  
18          sured depository institution, bank holding company, or  
19          any affiliate thereof shall be required to comply with the  
20          Financial Accounting Standards Board Accounting Stand-  
21          ards Update No. 2016–13 (“Measurement of Credit  
22          Losses on Financial Instruments”), including the current  
23          expected credit losses methodology for estimating allow-  
24          ances for credit losses, during the period beginning on the

1 date of enactment of this Act and ending on the earlier  
2 of—

3 (1) the date on which the public health emer-  
4 gency declared by the Secretary of Health and  
5 Human Services on January 31, 2020, under section  
6 319 of the Public Health Service Act (42 U.S.C.  
7 247d), terminates; or

8 (2) December 31, 2020.

9 **SEC. 4015. NON-APPLICABILITY OF RESTRICTIONS ON ESF**  
10 **DURING NATIONAL EMERGENCY.**

11 (a) **IN GENERAL.**—Section 131 of the Emergency  
12 Economic Stabilization Act of 2008 (12 U.S.C. 5236)  
13 shall not apply during the period beginning on the date  
14 of enactment of this Act and ending on December 31,  
15 2020. Any guarantee established as a result of the applica-  
16 tion of subsection (a) shall terminate not later than De-  
17 cember 31, 2020.

18 (b) **DIRECT APPROPRIATION.**—Upon the expiration  
19 of the period described in subsection (a), there is appro-  
20 priated, out of amounts in the Treasury not otherwise ap-  
21 propriated, such sums as may be necessary to reimburse  
22 the fund established under section 5302(a)(1) of title 31,  
23 United States Code, for any funds that are used for the  
24 Treasury Money Market Funds Guaranty Program for the  
25 United States money market mutual fund industry to the



1 extent a claim payment made exceeds the balance of fees  
2 collected by the fund.

3 **SEC. 4016. TEMPORARY CREDIT UNION PROVISIONS.**

4 (a) IN GENERAL.—

5 (1) DEFINITIONS.—Section 302(1) of the Fed-  
6 eral Credit Union Act (12 U.S.C. 1795a(1)) is  
7 amended, in the matter preceding subparagraph (A),  
8 by striking “primarily serving natural persons”.

9 (2) MEMBERSHIP.—Section 304(b)(2) of the  
10 Federal Credit Union Act (12 U.S.C. 1795c(b)(2))  
11 is amended by striking “all those credit unions” and  
12 inserting “such credit unions as the Board may in  
13 its discretion determine”.

14 (3) EXTENSIONS OF CREDIT.—Section  
15 306(a)(1) of the Federal Credit Union Act (12  
16 U.S.C. 1795e(a)(1)) is amended, in the second sen-  
17 tence, by striking “the intent of which is to expand  
18 credit union portfolios” and inserting “without first  
19 having obtained evidence from the applicant that the  
20 applicant has made reasonable efforts to first use  
21 primary sources of liquidity of the applicant, includ-  
22 ing balance sheet and market funding sources, to  
23 address the liquidity needs of the applicant”.

24 (4) POWERS OF THE BOARD.—Section  
25 307(a)(4)(A) of the Federal Credit Union Act (12

1 U.S.C. 1795f(a)(4)(A)) is amended by inserting “,  
2 provided that, the total face value of such obliga-  
3 tions shall not exceed 16 times the subscribed cap-  
4 ital stock and surplus of the Facility for the period  
5 beginning on the date of enactment of the  
6 Coronavirus Economic Stabilization Act of 2020 and  
7 ending on December 31, 2020” after “Facility”.

8 (b) SUNSET.—

9 (1) IN GENERAL.—

10 (A) DEFINITIONS.—Section 302(1) of the  
11 Federal Credit Union Act (12 U.S.C. 1795a(1))  
12 is amended, in the matter preceding subpara-  
13 graph (A), by inserting “primarily serving nat-  
14 ural persons” after “credit unions”.

15 (B) MEMBERSHIP.—Section 304(b)(2) of  
16 the Federal Credit Union Act (12 U.S.C.  
17 1795c(b)(2)) is amended by striking “such  
18 credit unions as the Board may in its discretion  
19 determine” and inserting “all those credit  
20 unions”.

21 (C) EXTENSIONS OF CREDIT.—Section  
22 306(a)(1) of the Federal Credit Union Act (12  
23 U.S.C. 1795e(a)(1)) is amended, in the second  
24 sentence, by striking “without first having ob-  
25 tained evidence from the applicant that the ap-

1           plicant has made reasonable efforts to first use  
2           primary sources of liquidity of the applicant, in-  
3           cluding balance sheet and market funding  
4           sources, to address the liquidity needs of the  
5           applicant” and inserting “the intent of which is  
6           to expand credit union portfolios”.

7           (2) EFFECTIVE DATE.—The amendments made  
8           by paragraph (1) shall take effect on December 31,  
9           2020.

10 **SEC. 4017. INCREASING ACCESS TO MATERIALS NECESSARY**  
11                           **FOR NATIONAL SECURITY AND PANDEMIC**  
12                           **RECOVERY.**

13           Notwithstanding any other provision of law—

14           (1) during the 2-year period beginning on the  
15           date of enactment of this Act, the requirements de-  
16           scribed in sections 303(a)(6)(C) and 304(e) of the  
17           Defense Production Act of 1950 (50 U.S.C.  
18           4533(a)(6)(C), 4534(e)) shall not apply; and

19           (2) during the 1-year period beginning on the  
20           date of enactment of this Act, the requirements de-  
21           scribed in sections 302(d)(1) and 303 (a)(6)(B) of  
22           the Defense Production Act of 1950 (50 U.S.C.  
23           4532(d)(1), 4533(a)(6)(B)) shall not apply.

1 **SEC. 4018. REPORTS.**

2 (a) SECRETARY.—The Secretary shall, with respect  
3 to the loans, loan guarantees, and other investments under  
4 paragraphs (1), (2), and (3) of section 4003(b), make  
5 such reports as are required under section 5302(c) of title  
6 31, United States Code, provided that the names of appli-  
7 cable eligible businesses, States, and municipalities and  
8 the amounts of individual loans or loan guarantees may  
9 be disclosed on a delayed basis of up to 6 months, if nec-  
10 essary and appropriate to promote the stability of United  
11 States financial markets or the safety and soundness of  
12 eligible businesses, States, and municipalities.

13 (b) GOVERNMENT ACCOUNTABILITY OFFICE.—

14 (1) STUDY.—The Comptroller General of the  
15 United States shall conduct a study on the loans,  
16 loan guarantees, and other investments provided  
17 under section 4003.

18 (2) REPORT.—Not later than 9 months after  
19 the date of enactment of this Act, and annually  
20 thereafter through the year succeeding the last year  
21 for which loans or loan guarantees provided under  
22 section 4003 are outstanding, the Comptroller Gen-  
23 eral shall submit to the Committee on Banking,  
24 Housing and Urban Affairs, Committee on Trans-  
25 portation and Infrastructure, the Committee on Ap-  
26 propriations, and the Committee on the Budget of

1 the House of Representatives and the Committee on  
2 Commerce, Science, and Transportation, the Com-  
3 mittee on Appropriations, and the Committee on the  
4 Budget of the Senate a report on the loans and loan  
5 guarantees provided under section 4003.

6 **SEC. 4019. DIRECT APPROPRIATION.**

7 (a) IN GENERAL.—Notwithstanding any other provi-  
8 sion of law, there is appropriated, out of amounts in the  
9 Treasury not otherwise appropriated, to the fund estab-  
10 lished under section 5302(a)(1) of title 31, United States  
11 Code, \$500,000,000,000 to carry out this title.

12 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
13 Section 5302(a) of title 31, United States Code, is amend-  
14 ed—

15 (1) by striking “and” before “section 3”; and

16 (2) by inserting “and the Coronavirus Eco-  
17 nomic Stabilization Act of 2020,” before “and for  
18 investing”.

19 (c) CLARIFICATION.—

20 (1) IN GENERAL.—On January 1, 2021, any re-  
21 maining funds made available under section 4003(b)  
22 may not be used—

23 (A) to make new loans, loan guarantees, or  
24 other investments; and

1 (B) except as provided in paragraph (2),  
2 may not be used for any other purpose.

3 (2) DEFICIT REDUCTION.—Any funds described  
4 in paragraph (1) shall be transferred to the general  
5 fund of the Treasury to be used for deficit reduction.

6 **SEC. 4020. RULE OF CONSTRUCTION.**

7 Nothing in this title shall be construed to allow the  
8 Secretary to provide relief to eligible businesses, States,  
9 and municipalities except in the form of loans, loan guar-  
10 antees, and other investments as provided in this title and  
11 under terms and conditions that are in the interest of the  
12 Federal Government.

13 **SEC. 4021. TERMINATION OF AUTHORITY.**

14 (a) IN GENERAL.—Except as provided in subsection  
15 (b), on December 31, 2020, the authority provided under  
16 this title to make new loans, loan guarantees, or other in-  
17 vestments shall terminate.

18 (b) OUTSTANDING.—Any loan, loan guarantee, or  
19 other investment outstanding on the date described in sub-  
20 section (a)—

21 (1) may be modified, restructured, or otherwise  
22 amended; and

23 (2) may not be forgiven.

24 (c) DURATION.—The duration of any loan or loan  
25 guarantee made under paragraph (1), (2), or (3) of section

1 4003(b) that is modified, restructured, or otherwise  
2 amended under subsection (b)(1) shall not be extended be-  
3 yond 5 years from the initial origination date of the loan  
4 or loan guarantee.

5 **TITLE V—BUDGETARY**  
6 **PROVISIONS**

7 **SEC. 5001. EMERGENCY DESIGNATION.**

8 (a) **IN GENERAL.**—The amounts provided under this  
9 division are designated as an emergency requirement pur-  
10 suant to section 4(g) of the Statutory Pay-As-You-Go Act  
11 of 2010 (2 U.S.C. 933(g)).

12 (b) **DESIGNATION IN SENATE.**—In the Senate, this  
13 division is designated as an emergency requirement pursu-  
14 ant to section 4112(a) of H. Con. Res. 71 (115th Con-  
15 gress), the concurrent resolution on the budget for fiscal  
16 year 2018.