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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

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

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Title V—Don't Break Up the T-Band

DIVISION V—GROW ACT

DIVISION W—OTHER MATTERS

1 SEC. 3. REFERENCES.

2 Except as expressly provided otherwise, any reference

3 to “this Act” contained in any division of this Act shall

1 be treated as referring only to the provisions of that divi-
2 sion.

3 **DIVISION A—THIRD CORONAVIRUS PRE-**
4 **PAREDNESS AND RESPONSE SUPPLE-**
5 **MENTAL APPROPRIATIONS ACT, 2020**

6 TITLE I—AGRICULTURE, RURAL DEVELOP-
7 MENT, FOOD AND DRUG ADMINISTRATION,
8 AND RELATED AGENCIES

9 DEPARTMENT OF AGRICULTURE

10 ANIMAL AND PLANT HEALTH INSPECTION SERVICE

11 SALARIES AND EXPENSES

12 For an additional amount for “Salaries and Ex-
13 penses”, \$55,000,000, to prevent, prepare for, and re-
14 spond to coronavirus, to supplement amounts otherwise
15 available for the Agricultural Quarantine Inspection Pro-
16 gram: *Provided*, That such amount is designated by the
17 Congress as being for an emergency requirement pursuant
18 to section 251(b)(2)(A)(i) of the Balanced Budget and
19 Emergency Deficit Control Act of 1985.

20 AGRICULTURAL MARKETING SERVICE

21 MARKETING SERVICES

22 For an additional amount for “Marketing Services”,
23 \$45,000,000, to prevent, prepare for, and respond to
24 coronavirus, to supplement amounts otherwise available
25 for commodity grading, inspection, and audit activities:

1 *Provided*, That such amount is designated by the Congress
2 as being for an emergency requirement pursuant to sec-
3 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
4 gency Deficit Control Act of 1985.

5 FOOD SAFETY AND INSPECTION SERVICE

6 For an additional amount for “Food Safety and In-
7 spection Service”, \$33,000,000, to prevent, prepare for,
8 and respond to coronavirus, for the support of temporary
9 and intermittent workers, temporary inspection relocation,
10 and overtime inspection costs: *Provided*, That such
11 amount is designated by the Congress as being for an
12 emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 FARM SERVICE AGENCY

16 SALARIES AND EXPENSES

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

1 RURAL BUSINESS—COOPERATIVE SERVICE

2 RURAL BUSINESS PROGRAM ACCOUNT

3 For an additional amount for “Rural Business Pro-
4 gram Account”, \$20,500,000, to remain available until
5 September 30, 2021, to prevent, prepare for, and respond
6 to coronavirus, for the cost of loans for rural business de-
7 velopment programs authorized by section 310B and de-
8 scribed in subsection (g) of section 310B of the Consoli-
9 dated Farm and Rural Development Act: *Provided*, That
10 such amount is designated by the Congress as being for
11 an emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 RURAL UTILITIES SERVICE

15 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND
16 PROGRAM

17 For an additional amount for “Distance Learning,
18 Telemedicine, and Broadband Program”, \$25,000,000, to
19 remain available until September 30, 2021, to prevent,
20 prepare for, and respond to coronavirus, for grants for
21 telemedicine and distance learning services in rural areas
22 as authorized by 7 U.S.C. 950aaa et seq.: *Provided*, That
23 such amount is designated by the Congress as being for
24 an emergency requirement pursuant to section

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

3 FOOD AND NUTRITION SERVICE

4 COMMODITY ASSISTANCE PROGRAM

5 For an additional amount for “Commodity Assistance
6 Program”, for the emergency food assistance program as
7 authorized by section 27(a) of the Food and Nutrition Act
8 of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the
9 Emergency Food Assistance Act of 1983 (7 U.S.C.
10 7508(a)(1)), \$450,000,000, to remain available through
11 September 30, 2021, to prevent, prepare for, and respond
12 to coronavirus: *Provided*, That of the funds made avail-
13 able, the Secretary may use up to \$200,000,000 for costs
14 associated with the distribution of commodities: *Provided*
15 *further*, That such amount is designated by the Congress
16 as being for an emergency requirement pursuant to sec-
17 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
18 gency Deficit Control Act of 1985.

19 FOREIGN AGRICULTURAL SERVICE

20 SALARIES AND EXPENSES

21 For an additional amount for “Salaries and Ex-
22 penses”, \$4,000,000, to prevent, prepare for, and respond
23 to coronavirus: *Provided*, That such amount is designated
24 by the Congress as being for an emergency requirement

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

3 DEPARTMENT OF HEALTH AND HUMAN
4 SERVICES

5 FOOD AND DRUG ADMINISTRATION

6 SALARIES AND EXPENSES

7 For an additional amount for “Salaries and Ex-
8 penses”, \$80,000,000, to remain available until expended,
9 to prevent, prepare for, and respond to coronavirus, for
10 efforts on potential medical product shortages, enforce-
11 ment work against counterfeit or misbranded products,
12 work on Emergency Use Authorizations, pre- and post-
13 market work on medical countermeasures, therapies, vac-
14 cines and research, and related administrative activities:
15 *Provided*, That such amount is designated by the Congress
16 as being for an emergency requirement pursuant to sec-
17 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
18 gency Deficit Control Act of 1985.

19 GENERAL PROVISIONS—THIS TITLE

20 SEC. 10101. For an additional amount for grants
21 under the pilot program established under section 779 of
22 Public Law 115–141, to prevent, prepare for, and respond
23 to coronavirus, \$258,000,000, to remain available until
24 September 30, 2021: *Provided*, That at least 90 percent
25 of the households to be served by a project receiving a

1 grant shall be in a rural area without sufficient access to
2 broadband: *Provided further*, That for purposes of such
3 pilot program, a rural area without sufficient access to
4 broadband shall be defined as 10 Mbps downstream and
5 1 Mbps upstream, and such definition shall be reevaluated
6 and redefined, as necessary, on an annual basis by the
7 Secretary of Agriculture: *Provided further*, That an entity
8 to which a grant is made under the pilot program shall
9 not use a grant to overbuild or duplicate broadband expan-
10 sion efforts made by any entity that has received a
11 broadband loan from the Rural Utilities Service: *Provided*
12 *further*, That priority consideration for grants shall be
13 given to previous applicants now eligible as a result of ad-
14 justed eligibility requirements: *Provided further*, That not
15 more than three percent of the funds made available in
16 this paragraph may be used for administrative costs to
17 carry out the program: *Provided further*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 SEC. 10102. The first amount under “Child Nutri-
23 tion Programs” in Division B of the Further Consolidated
24 Appropriations Act, 2020 (P.L. 116–94) is amended by

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

3 SEC. 10103. The matter under the heading “Supple-
4 mental Nutrition Assistance Program” in division B of the
5 Further Consolidated Appropriations Act, 2020 (Public
6 Law 116–94) is amended by inserting before “: *Provided*,”
7 the following: “and for an additional amount, such sums
8 as may be necessary to remain available through Sep-
9 tember 30, 2022, which shall be placed in reserve for use
10 only in such amounts and at such times as may become
11 necessary to carry out program operations”.

12 SEC. 10104. For an additional amount for “Supple-
13 mental Nutrition Assistance Program”, to supplement
14 funds otherwise available for the Food Distribution Pro-
15 gram on Indian Reservations, \$100,000,000, to remain
16 available through September 30, 2021, to prevent, prepare
17 for, and respond to coronavirus: *Provided*, That of the
18 total amount available, \$50,000,000 is for administrative
19 expenses, including facility improvements and equipment
20 upgrades, and \$50,000,000 is for the costs relating to ad-
21 ditional food purchases: *Provided further*, That such
22 amount is designated by the Congress as being for an
23 emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

1 SEC. 10105. In addition to amounts otherwise made
2 available, \$200,000,000, to remain available through Sep-
3 tember 30, 2021, to prevent, prepare for, and respond to
4 coronavirus, shall be available for the Secretary of Agri-
5 culture to provide grants to the Commonwealth of the
6 Northern Mariana Islands, Puerto Rico, and American
7 Samoa for nutrition assistance: *Provided*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 SEC. 10106. The Secretary may extend the term of
13 a marketing assistance loan authorized by section 1201
14 of the Agricultural Act of 2014 (7 U.S.C. 9033) for any
15 loan commodity to 12 months: *Provided*, That the author-
16 ity made available pursuant to this section shall expire on
17 September 30, 2020: *Provided further*, That amounts
18 made available by this section are designated by the Con-
19 gress as being for an emergency requirement pursuant to
20 section 251(b)(2)(A)(i) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

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

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

7 For an additional amount for “Economic Develop-
8 ment Assistance Programs” for necessary expenses related
9 to responding to economic injury as a result of
10 coronavirus, \$2,000,000,000, to remain available until
11 September 30, 2022: *Provided*, That such amount shall
12 be for economic adjustment assistance as authorized by
13 section 209 of the Public Works and Economic Develop-
14 ment Act of 1965 (42 U.S.C. 3149): *Provided further*,
15 That within the amount appropriated, up to 2 percent of
16 funds appropriated in this paragraph may be transferred
17 to “Salaries and Expenses” for administration and over-
18 sight activities: *Provided further*, That the Secretary of
19 Commerce is authorized to appoint and fix the compensa-
20 tion of such temporary personnel as may be necessary to
21 implement the requirements under this heading, without
22 regard to the provisions of title 5, United States Code,
23 governing appointments in competitive service: *Provided*
24 *further*, That the Secretary of Commerce is authorized to
25 appoint such temporary personnel, after serving continu-

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

16 MINORITY BUSINESS DEVELOPMENT AGENCY

17 MINORITY BUSINESS DEVELOPMENT

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

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

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

7 For an additional amount for “Scientific and Tech-
8 nical Research and Services” for necessary expenses to
9 prevent, prepare for, and respond to coronavirus,
10 \$6,000,000, to remain available until September 30, 2021,
11 including for measurement science to support testing for
12 such virus (or viral strains mutating therefrom) and bio-
13 manufacturing: *Provided*, That such amount is designated
14 by the Congress as being for an emergency requirement
15 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
16 et and Emergency Deficit Control Act of 1985.

17 INDUSTRIAL TECHNOLOGY SERVICES

18 For an additional amount for “Industrial Technology
19 Services” for necessary expenses, \$75,000,000, to remain
20 available until September 30, 2021, of which \$50,000,000
21 shall be for the Hollings Manufacturing Extension Part-
22 nership to assist manufacturers to prevent, prepare for,
23 and respond to coronavirus, and of which \$25,000,000
24 shall be for the National Network for Manufacturing Inno-
25 vation (also known as “Manufacturing USA”) to support

1 development and manufacturing of medical counter-
2 measures and biomedical equipment and supplies: *Pro-*
3 *vided*, That none of the funds provided under this heading
4 shall be subject to cost share requirements under 15
5 U.S.C. 278k(e)(2) or 15 U.S.C. 278s(e)(7)(A): *Provided*
6 *further*, That such amount is designated by the Congress
7 as being for an emergency requirement pursuant to sec-
8 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
9 gency Deficit Control Act of 1985.

10 NATIONAL OCEANIC AND ATMOSPHERIC

11 ADMINISTRATION

12 OPERATIONS, RESEARCH, AND FACILITIES

13 For an additional amount for “Operations, Research,
14 and Facilities” for necessary expenses to prevent, prepare
15 for, and respond to coronavirus, \$33,200,000, to remain
16 available until September 30, 2021: *Provided*, That such
17 amount is designated by the Congress as being for an
18 emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 DEPARTMENT OF JUSTICE

22 FEDERAL PRISON SYSTEM

23 SALARIES AND EXPENSES

24 For an additional amount for “Salaries and Ex-
25 penses”, \$100,000,000, to remain available until Sep-

1 tember 30, 2021, for necessary expenses to prevent, pre-
2 pare for, and respond to coronavirus, including for main-
3 taining correctional operations, including overtime costs,
4 temporary facilities, purchase and rental of equipment,
5 medical services and supplies, and emergency prepared-
6 ness: *Provided*, That such amount is designated by the
7 Congress as being for an emergency requirement pursuant
8 to section 251(b)(2)(A)(i) of the Balanced Budget and
9 Emergency Deficit Control Act of 1985.

10 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

11 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

12 For an additional amount for “State and Local Law
13 Enforcement Assistance”, \$500,000,000, to remain avail-
14 able until September 30, 2021, to prevent, prepare for,
15 and respond to coronavirus, including for the purchase of
16 personal protective equipment, for the Edward Byrne Me-
17 morial Justice Assistance Grant program as authorized by
18 subpart 1 of part E of title I of the Omnibus Crime Con-
19 trol and Safe Streets Acts of 1968 (“1968 Act”), (except
20 that the allocation provisions under sections 505(a)
21 through (e) and the special rules for Puerto Rico under
22 section 505(g), and section 1001(c), of the 1968 Act, shall
23 not apply for purposes of this Act), to be distributed in
24 relative proportion to fiscal year 2016 allocations: *Pro-*
25 *vided*, That awards made using amounts provided in this

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

7 JUVENILE JUSTICE PROGRAMS

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

20 SCIENCE

21 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

22 SAFETY, SECURITY AND MISSION SERVICES

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

1 to coronavirus: *Provided*, That such amount is designated
2 by the Congress as being for an emergency requirement
3 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
4 et and Emergency Deficit Control Act of 1985.

5 CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND
6 RESTORATION

7 For an additional amount for “Construction and En-
8 vironmental Compliance and Restoration”, \$100,000,000,
9 to remain available until September 30, 2021, to prevent,
10 prepare for, and respond to coronavirus: *Provided*, That
11 such amount is designated by the Congress as being for
12 an emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 NATIONAL SCIENCE FOUNDATION
16 RESEARCH AND RELATED ACTIVITIES

17 For an additional amount for “Research and Related
18 Activities”, \$100,000,000, to remain available until Sep-
19 tember 30, 2021, to prevent, prepare for, and respond to
20 coronavirus, domestically and internationally, including to
21 fund research grants and other necessary expenses: *Pro-*
22 *vided*, That such amount is designated by the Congress
23 as being for an emergency requirement pursuant to sec-
24 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
25 gency Deficit Control Act of 1985.

1 AGENCY OPERATIONS AND AWARD MANAGEMENT

2 For an additional amount for “Agency Operations
3 and Award Management”, \$2,000,000, to prevent, pre-
4 pare for, and respond to coronavirus, domestically and
5 internationally, including to administer research grants
6 and other necessary expenses: *Provided*, That such
7 amount is designated by the Congress as being for an
8 emergency requirement pursuant to section
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 RELATED AGENCIES

12 LEGAL SERVICES CORPORATION

13 PAYMENT TO THE LEGAL SERVICES CORPORATION

14 For an additional amount for “Payment to the Legal
15 Services Corporation” to carry out the purposes of the
16 Legal Services Corporation Act by providing for necessary
17 expenses to prevent, prepare for, and respond to
18 coronavirus, \$100,000,000, to remain available until Sep-
19 tember 30, 2021: *Provided*, That none of the funds appro-
20 priated in this Act to the Legal Services Corporation shall
21 be expended for any purpose prohibited or limited by, or
22 contrary to any of the provisions of, sections 501, 502,
23 503, 504, 505, and 506 of Public Law 105–119, and all
24 funds appropriated in this Act to the Legal Services Cor-
25 poration shall be subject to the same terms and conditions

1 set forth in such sections, except that all references in sec-
2 tions 502 and 503 to 1997 and 1998 shall be deemed to
3 refer instead to 2020 and 2021, respectively, and except
4 that sections 501 and 503 of Public Law 104–134 (ref-
5 erenced by Public Law 105–119) shall not apply to the
6 amount made available under this heading: *Provided fur-*
7 *ther*, That for the purposes of this Act, the Legal Services
8 Corporation shall be considered an agency of the United
9 States Government: *Provided further*, That such amount
10 is designated by the Congress as being for an emergency
11 requirement pursuant to section 251(b)(2)(A)(i) of the
12 Balanced Budget and Emergency Deficit Control Act of
13 1985.

14 GENERAL PROVISIONS—THIS TITLE

15 SEC. 10201. (a) Amounts provided by the Depart-
16 ment of Commerce Appropriations Act, 2020, for the Hol-
17 lings Manufacturing Extension Partnership under the
18 heading “National Institute of Standards and Tech-
19 nology—Industrial Technology Services” shall not be sub-
20 ject to cost share requirements under 15 U.S.C.
21 278k(e)(2).

22 (b) Subsection (a) shall not apply to the extent that
23 a Manufacturing Extension Partnership Center receives
24 funding from a State that is conditioned upon the applica-
25 tion of a Federal cost sharing requirement to the Center.

1 SEC. 10202. (a) Funds appropriated in this title for
2 the National Science Foundation may be made available
3 to restore amounts, either directly or through reimburse-
4 ment, for obligations incurred by the National Science
5 Foundation for research grants and other necessary ex-
6 penses to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, prior to the
8 date of enactment of this Act.

9 (b) Grants or cooperative agreements made by the
10 National Science Foundation under this title, to carry out
11 research grants and other necessary expenses to prevent,
12 prepare for, and respond to coronavirus, domestically or
13 internationally, shall include amounts to reimburse costs
14 for these purposes incurred between January 20, 2020,
15 and the date of issuance of such grants or agreements.

16 SEC. 10203. (a)(1) Section 110(b)(2)(C) of the Fam-
17 ily and Medical Leave Act of 1993 (as added by division
18 C of the Families First Coronavirus Response Act) and
19 section 5110(5)(C) of the Families First Coronavirus Re-
20 sponse Act (relating to varying schedule hours calculation)
21 shall not apply to the Bureau of the Census regarding any
22 employee hired pursuant to section 23(c) of title 13,
23 United States Code.

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

4 (b) With respect to any temporary employee of the
5 Bureau of the Census, including any employee hired pur-
6 suant to section 23(c) of title 13, United States Code, the
7 Bureau may classify any leave provided by the Bureau
8 pursuant to the amendments made by division C of the
9 Families First Coronavirus Response Act or division E of
10 such Act to such an employee (based on such employee's
11 status as an employee of the Bureau) as any leave cat-
12 egory necessary to comport with the Bureau's leave sys-
13 tem.

14 SEC. 10204. Notwithstanding any other provision of
15 law, funds made available under each heading in this title
16 shall only be used for the purposes specifically described
17 under that heading.

1 TITLE III—DEPARTMENT OF DEFENSE

2 DEPARTMENT OF DEFENSE

3 MILITARY PERSONNEL

4 MILITARY PERSONNEL, ARMY

5 For an additional amount for Military Personnel,
6 Army, \$37,900,000, for necessary expenses to prevent,
7 prepare for, and respond to coronavirus: *Provided*, That
8 such amount is designated by the Congress as being for
9 an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 MILITARY PERSONNEL, NAVY

13 For an additional amount for Military Personnel,
14 Navy, \$37,900,000, for necessary expenses to prevent,
15 prepare for, and respond to coronavirus: *Provided*, That
16 such amount is designated by the Congress as being for
17 an emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 MILITARY PERSONNEL, MARINE CORPS

21 For an additional amount for Military Personnel, Ma-
22 rine Corps, \$9,900,000, for necessary expenses to prevent,
23 prepare for, and respond to coronavirus: *Provided*, That
24 such amount is designated by the Congress as being for
25 an emergency requirement pursuant to section

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

3 MILITARY PERSONNEL, AIR FORCE

4 For an additional amount for Military Personnel, Air
5 Force, \$37,900,000, for necessary expenses to prevent,
6 prepare for, and respond to coronavirus: *Provided*, That
7 such amount is designated by the Congress as being for
8 an emergency requirement pursuant to section
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 NATIONAL GUARD PERSONNEL, ARMY

12 For an additional amount for National Guard Per-
13 sonnel, Army, \$804,529,000, for necessary expenses to
14 prevent, prepare for, and respond to coronavirus: *Pro-*
15 *vided*, That such amount is designated by the Congress
16 as being for an emergency requirement pursuant to sec-
17 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
18 gency Deficit Control Act of 1985.

19 NATIONAL GUARD PERSONNEL, AIR FORCE

20 For an additional amount for National Guard Per-
21 sonnel, Air Force, \$402,063,000, for necessary expenses
22 to prevent, prepare for, and respond to coronavirus: *Pro-*
23 *vided*, That such amount is designated by the Congress
24 as being for an emergency requirement pursuant to sec-

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

3 OPERATION AND MAINTENANCE

4 OPERATION AND MAINTENANCE, ARMY

5 For an additional amount for “Operation and Main-
6 tenance, Army”, \$105,300,000, to remain available until
7 September 30, 2021, to prevent, prepare for, and respond
8 to coronavirus: *Provided*, That such amount is designated
9 by the Congress as being for an emergency requirement
10 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
11 et and Emergency Deficit Control Act of 1985.

12 OPERATION AND MAINTENANCE, NAVY

13 For an additional amount for “Operation and Main-
14 tenance, Navy”, \$568,408,000, to remain available until
15 September 30, 2021, to prevent, prepare for, and respond
16 to coronavirus: *Provided*, That such amount is designated
17 by the Congress as being for an emergency requirement
18 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
19 et and Emergency Deficit Control Act of 1985.

20 OPERATION AND MAINTENANCE, MARINE CORPS

21 For an additional amount for “Operation and Main-
22 tenance, Marine Corps”, \$70,000,000, to remain available
23 until September 30, 2021, to prevent, prepare for, and re-
24 spond to coronavirus: *Provided*, That such amount is des-
25 ignated by the Congress as being for an emergency re-

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

3 OPERATION AND MAINTENANCE, AIR FORCE

4 For an additional amount for “Operation and Main-
5 tenance, Air Force”, \$154,000,000, to remain available
6 until September 30, 2021, to prevent, prepare for, and re-
7 spond to coronavirus: *Provided*, That such amount is des-
8 ignated by the Congress as being for an emergency re-
9 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985.

11 OPERATION AND MAINTENANCE, DEFENSE-WIDE

12 For an additional amount for “Operation and Main-
13 tenance, Defense-Wide”, \$927,800,000, to remain avail-
14 able until September 30, 2021, to prevent, prepare for,
15 and respond to coronavirus: *Provided*, That such amount
16 is designated by the Congress as being for an emergency
17 requirement pursuant to section 251(b)(2)(A)(i) of the
18 Balanced Budget and Emergency Deficit Control Act of
19 1985.

20 OPERATION AND MAINTENANCE, ARMY RESERVE

21 For an additional amount for “Operation and Main-
22 tenance, Army Reserve”, \$48,000,000, to remain available
23 until September 30, 2021, to prevent, prepare for, and re-
24 spond to coronavirus: *Provided*, That such amount is des-
25 ignated by the Congress as being for an emergency re-

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

3 OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

4 For an additional amount for “Operation and Main-
5 tenance, Army National Guard”, \$194,002,000, to remain
6 available until September 30, 2021, to prevent, prepare
7 for, and respond to coronavirus: *Provided*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

13 For an additional amount for “Operation and Main-
14 tenance, Air National Guard”, \$79,406,000, to remain
15 available until September 30, 2021, to prevent, prepare
16 for, and respond to coronavirus: *Provided*, That such
17 amount is designated by the Congress as being for an
18 emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 PROCUREMENT

22 DEFENSE PRODUCTION ACT PURCHASES

23 For an additional amount for “Defense Production
24 Act Purchases”, \$500,000,000 to remain available until
25 September 30, 2022, to prevent, prepare for, and respond

1 to coronavirus: *Provided*, That the Secretary of Defense
2 may waive the requirements of 50 U.S.C. 5433(a)(6) on
3 a case-by-case basis upon three days prior written notifica-
4 tion to the Committees on Appropriations and Banking,
5 Housing, and Urban Affairs of the Senate, and the Com-
6 mittees on Appropriations and Financial Services of the
7 House of Representatives. *Provided further*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 OTHER DEPARTMENT OF DEFENSE PROGRAMS

13 DEFENSE HEALTH PROGRAM

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

1 GENERAL PROVISIONS—THIS TITLE

2 SEC. 10301. Notwithstanding any other provision of
3 law, funds made available under each heading in this title
4 shall only be used for the purposes specifically described
5 under that heading.

6 SEC. 10302. Upon the determination of the Secretary
7 of Defense that such action is necessary in the national
8 interest, the Secretary may transfer up to \$500,000,000
9 between the appropriations or funds made available to the
10 Department of Defense for expenses relating to the use
11 of the National Guard in response to coronavirus: Pro-
12 vided, That such funds may only be transferred among
13 military personnel and operation and maintenance ac-
14 counts for the National Guard provided for in this title:
15 Provided further, That the Secretary shall notify the Con-
16 gress promptly of each transfer made pursuant to the au-
17 thority in this section: Provided further, That the author-
18 ity provided in this section is in addition to any other
19 transfer authority available to the Department of Defense
20 and is subject to the same terms and conditions as the
21 authority provided in section 8005 of the Department of
22 Defense Appropriations Act, 2020: Provided further, That
23 the transfer authority in sections 8005 and 9002 of the
24 Department of Defense Appropriations Act, 2020, shall

1 not apply to amounts appropriated or otherwise made
2 available in this title.

3 SEC. 10303. Notwithstanding section 2208(1)(3) of
4 title 10, United States Code, during fiscal year 2020, the
5 amount of advance billings rendered or imposed by De-
6 fense working capital funds may exceed \$1,000,000,000.
7 In the preceding sentence, the term “advance billing” has
8 the meaning given the term in section 2208(1)(4) of such
9 title.

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

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

14 EXPENSES

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

1 DEPARTMENT OF THE INTERIOR

2 BUREAU OF RECLAMATION

3 WATER AND RELATED RESOURCES

4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for “Water and Related
6 Resources”, \$12,500,000, to remain available until Sep-
7 tember 30, 2021, to prevent, prepare for, and respond to
8 coronavirus: *Provided*, That \$500,000 of the funds pro-
9 vided under this paragraph shall be transferred to the
10 Central Utah Project Completion Account to prevent, pre-
11 pare for, and respond to coronavirus: *Provided further*,
12 That such amount is designated by the Congress as being
13 for an emergency requirement pursuant to section
14 251(b)(2)(A)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985.

16 POLICY AND ADMINISTRATION

17 For an additional amount for “Policy and Adminis-
18 tration”, \$8,100,000, to remain available until September
19 30, 2021, for necessary expenses to prevent, prepare for,
20 and respond to coronavirus: *Provided*, That such amount
21 is designated by the Congress as being for an emergency
22 requirement pursuant to section 251(b)(2)(A)(i) of the
23 Balanced Budget and Emergency Deficit Control Act of
24 1985.

1 DEPARTMENT OF ENERGY

2 ENERGY PROGRAMS

3 SCIENCE

4 For an additional amount for “Science”,
5 \$99,500,000, to remain available until September 30,
6 2021, to prevent, prepare for, and respond to coronavirus,
7 for necessary expenses related to providing support and
8 access to scientific user facilities in the Office of Science,
9 including equipment, enabling technologies, and personnel
10 associated with the operations of those scientific user fa-
11 cilities: *Provided*, That such amount is designated by the
12 Congress as being for an emergency requirement pursuant
13 to section 251(b)(2)(A)(i) of the Balanced Budget and
14 Emergency Deficit Control Act of 1985.

15 DEPARTMENTAL ADMINISTRATION

16 (INCLUDING TRANSFER OF FUNDS)

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

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

6 INDEPENDENT AGENCIES

7 NUCLEAR REGULATORY COMMISSION

8 SALARIES AND EXPENSES

9 For an additional amount for “Salaries and Ex-
10 penses”, \$3,300,000, to remain available until September
11 30, 2021, to prevent, prepare for, and respond to
12 coronavirus: *Provided*, That the amount provided in this
13 paragraph shall not be derived from fee revenues notwith-
14 standing 42 U.S.C. 2214: *Provided further*, That such
15 amount is designated by the Congress as being for an
16 emergency requirement pursuant to section
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 GENERAL PROVISIONS—THIS TITLE

20 SEC. 10401. Notwithstanding any other provision of
21 law, funds made available under each heading in this title
22 shall only be used for the purposes specifically described
23 under that heading.

24 SEC. 10402. Funds appropriated in this title may be
25 made available to restore amounts, either directly or

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

4 SEC. 10403. Notwithstanding any other provision of
5 law, and subject to the availability of appropriations, the
6 Secretary of Energy, or designee, may include in or modify
7 the terms and conditions of any Department of Energy
8 contract, or other agreement, to authorize the Department
9 to reimburse any contractor paid leave the contractor pro-
10 vides to its employees as the Secretary deems necessary
11 to ensure the effective response to a declared national
12 emergency or pandemic event. Such authority shall apply
13 only to a contractor whose employees cannot perform work
14 on a federally-owned or leased facility or site due to federal
15 government directed closures or other restrictions, and
16 who cannot telework because their job duties cannot be
17 performed remotely. As determined by the Secretary, or
18 designee, this authority also shall apply to subcontractors:
19 *Provided*, That amounts provided by this section are des-
20 ignated by the Congress as being for an emergency re-
21 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
22 anced Budget and Emergency Deficit Control Act of 1985.

1 TITLE V—FINANCIAL SERVICES AND GENERAL
2 GOVERNMENT

3 DEPARTMENT OF THE TREASURY

4 DEPARTMENTAL OFFICES

5 SALARIES AND EXPENSES

6 For an additional amount for [the Department of the
7 Treasury/“Salaries and Expenses”], \$100,000,000 to re-
8 main available until expended, for the necessary expenses
9 to establish and support a COVID–19 Stimulus Account-
10 ability and Transparency Board to conduct oversight of
11 funds provided in this Act in order to monitor spending,
12 provide transparency to the public, and help prevent
13 fraud, waste, and abuse; *Provided*, That not less fre-
14 quently than monthly, and until all such funds are ex-
15 pended, the Secretary of the Treasury shall publish on a
16 dedicated portion of the website established under section
17 2 of the Federal Funding Accountability and Trans-
18 parency Act of 2006 (31 U.S.C. 6101 note), for any funds
19 made available to or expended by a Federal agency or
20 component of a Federal agency that were provided in Pub-
21 lic Law 116–123, Public Law 116–127, or in the Take
22 Responsibility for Workers and Families Act—

23 (1) for each appropriations account, including
24 an expired or unexpired appropriations account, the
25 amount—

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

1 INTERNAL REVENUE SERVICE

2 TAXPAYER SERVICES

3 For an additional amount for “Taxpayer Services”,
4 \$236,000,000, to remain available until September 30,
5 2021, to prevent, prepare for, and respond to coronavirus:
6 *Provided*, That not later than 30 days after the date of
7 the enactment of this Act, the Commissioner of the Inter-
8 nal Revenue Service shall submit to the Committees on
9 Appropriations of the House of Representatives and the
10 Senate a spend plan for such funds: *Provided further*, That
11 such amounts are designated by the Congress as being for
12 an emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 ENFORCEMENT

16 For an additional amount for “Enforcement”,
17 \$42,000,000, to remain available until September 30,
18 2021, to prevent, prepare for, and respond to coronavirus:
19 *Provided*, That not later than 30 days after the date of
20 the enactment of this Act, the Commissioner of the Inter-
21 nal Revenue Service shall submit to the Committees on
22 Appropriations of the House of Representatives and the
23 Senate a spend plan for such funds: *Provided further*, That
24 such amounts are designated by the Congress as being for
25 an emergency requirement pursuant to section

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

3 OPERATIONS SUPPORT

4 For an additional amount for “Operations Support”,
5 \$324,000,000, to remain available until September 30,
6 2021, to prevent, prepare for, and respond to coronavirus:
7 *Provided*, That not later than 30 days after the date of
8 the enactment of this Act, the Commissioner of the Inter-
9 nal Revenue Service shall submit to the Committees on
10 Appropriations of the House of Representatives and the
11 Senate a spend plan for such funds: *Provided further*, That
12 such amount is designated by the Congress as being for
13 an emergency requirement pursuant to section
14 251(b)(2)(A)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985.

16 ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE

17 SERVICE

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 10501. In addition to the authority provided in
20 section 101 of title I of division C of Public Law 116–
21 93, the funds provided to the Internal Revenue Service
22 in this Act may be transferred among accounts of the In-
23 ternal Revenue Service to prevent, prepare for, and re-
24 spond to coronavirus. On the date of any such transfer,
25 the Commissioner shall notify the Committees on Appro-

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

3 THE JUDICIARY

4 THE SUPREME COURT OF THE UNITED STATES

5 SALARIES AND EXPENSES

6 For an additional amount for “Salaries and Ex-
7 penses”, \$500,000, to remain available until September
8 30, 2020, for necessary expenses to prevent, prepare for,
9 and respond to coronavirus: *Provided*, That such amount
10 is designated by the Congress as being for an emergency
11 requirement pursuant to section 251(b)(2)(A)(i) of the
12 Balanced Budget and Emergency Deficit Control Act of
13 1985.

14 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER

15 JUDICIAL SERVICES

16 SALARIES AND EXPENSES

17 For an additional amount for “Salaries and Ex-
18 penses”, \$6,000,000 to remain available until September
19 30, 2020, for necessary expenses to prevent, prepare for,
20 and respond to coronavirus: *Provided*, That such amount
21 is designated by the Congress as being for an emergency
22 requirement pursuant to section 251(b)(2)(A)(i) of the
23 Balanced Budget and Emergency Deficit Control Act of
24 1985.

1 DEFENDER SERVICES

2 For an additional amount for “Defender Services”,
3 \$1,000,000, to remain available until September 30, 2020,
4 to prevent, prepare for, and respond to coronavirus: *Pro-*
5 *vided*, That such amount is designated by the Congress
6 as being for an emergency requirement pursuant to sec-
7 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
8 gency Deficit Control Act of 1985.

9 DISTRICT OF COLUMBIA

10 FEDERAL FUNDS

11 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
12 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

13 For an additional amount for the “Federal Payment
14 for Emergency Planning and Security Costs in the Dis-
15 trict of Columbia” for the Federal payment of necessary
16 expenses, as determined by the Mayor of the District of
17 Columbia in written consultation with the elected county
18 or city officials of surrounding jurisdictions, \$11,000,000,
19 to remain available until September 30, 2020, to prevent,
20 prepare for, and respond to coronavirus: *Provided*, That
21 such amounts are designated by the Congress as being for
22 an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 INDEPENDENT AGENCIES
2 ELECTION ASSISTANCE COMMISSIONS
3 SALARIES AND EXPENSES

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

11 ELECTION ADMINISTRATION GRANTS

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

1 tion 103 shall be deemed to refer to “\$7,500,000”: *Pro-*
2 *vided further*, That not less than 50 percent of the amount
3 of the payment made to a State under this heading shall
4 be allocated in cash or in kind to the units of local govern-
5 ment which are responsible for the administration of elec-
6 tions for Federal office in the State: *Provided further*,
7 That such amount is designated by the Congress as being
8 for an emergency requirement pursuant to section
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 FEDERAL COMMUNICATIONS COMMISSION

12 SALARIES AND EXPENSES

13 For an additional amount for “Salaries and Ex-
14 penses”, \$200,000,000, to remain available until Sep-
15 tember 30, 2020, to prevent, prepare for, and respond to
16 coronavirus by providing to health care providers tele-
17 communications services, information services, and devices
18 necessary to enable the provision of telehealth services
19 during an emergency period, as defined in section
20 1135(g)(1) of the Social Security Act (42 U.S.C. 1320b–
21 5(g)(1)): *Provided*, That the Federal Communications
22 Commission may rely on the rules of the Commission
23 under part 54 of title 47, Code of Federal Regulations,
24 in administering such amount if the Commission deter-
25 mines that such administration is in the public interest

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

7 **【EMERGENCY CONNECTIVITY FUND】**

8 **【For an additional amount for the “Emergency**
9 **Connectivity Fund”, as authorized under title II of divi-**
10 **sion U of the Take Responsibility for Workers and Fami-**
11 **lies Act, for the provision of Wi-fi hotspots and connected**
12 **devices to schools and libraries, \$2,000,000,000, to remain**
13 **available until September 30, 2021: Provided , That such**
14 **amount is designated by the Congress as being for an**
15 **emergency requirement pursuant to section**
16 **251(b)(2)(A)(i) of the Balanced Budget and Emergency**
17 **Deficit Control Act of 1985.】**

18 **【EMERGENCY BROADBAND CONNECTIVITY FUND】**

19 **【For an additional amount for the “Emergency**
20 **Broadband Connectivity Fund”, as authorized under title**
21 **III of division U of the Take Responsibility for Workers**
22 **and Families Act, for the provision of Wi-fi hotspots and**
23 **connected devices to schools and libraries,**
24 **\$1,000,000,000, to remain available until September 30,**
25 **2021: Provided , That such amount is designated by the**

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

4 GENERAL SERVICES ADMINISTRATION

5 REAL PROPERTY ACTIVITIES

6 FEDERAL BUILDINGS FUND

7 BUILDING OPERATIONS

8 For an additional amount, to be deposited in the
9 “Federal Buildings Fund”, \$275,000,000, to remain
10 available until expended, to prevent, prepare for, and re-
11 spond to coronavirus: *Provided*, That such funds may be
12 used to reimburse costs incurred for the purposes provided
13 under this heading: *Provided further*, That amounts made
14 available under this heading shall be in addition to any
15 other amounts available for such purposes: *Provided fur-*
16 *ther*, That such amount is designated by the Congress as
17 being for an emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 OFFICE OF PERSONNEL MANAGEMENT

21 SALARIES AND EXPENSES

22 For an additional amount for “Salaries and Ex-
23 penses”, \$12,100,000, to prevent, prepare for, and re-
24 spond to coronavirus: *Provided*, That such amount is des-
25 ignated by the Congress as being for an emergency re-

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

3 SMALL BUSINESS ADMINISTRATION

4 BUSINESS STABILIZATION LOAN PROGRAMS

5 For an additional amount for the cost of direct loans
6 authorized under section 8 of the COVID–19 Relief for
7 Small Businesses Act of 2020, such sums as may be nec-
8 essary to make up to \$100,000,000,000 in direct loans
9 through September 30, 2022, to remain available until ex-
10 pended, and for an additional amount for the cost of guar-
11 anteed loans authorized under section 9 of the COVID–
12 19 Relief for Small Businesses Act of 2020,
13 \$100,000,000,000, to remain available until expended:
14 *Provided*, That, notwithstanding any other provision of
15 law, no amounts made available under this heading shall
16 be available for transfer to another budget account: *Pro-*
17 *vided further*, That such amount is designated by the Con-
18 gress as being for an emergency requirement pursuant to
19 section 251(b)(2)(A)(i) of the Balanced Budget and
20 Emergency Deficit Control Act of 1985.

21 ECONOMIC INJURY GRANTS

22 For an additional amount for the cost of providing
23 economic recovery grants for small businesses impacted by
24 coronavirus as authorized by section 2 of the COVID–19
25 Relief for Small Businesses Act of 2020,

1 \$100,000,000,000, to remain available until September
2 30, 2021: *Provided*, That the Administrator shall notify
3 a grant applicant whether their application has been ap-
4 proved within 14 days of the grant being submitted: *Pro-*
5 *vided further*, That such amount is designated by the Con-
6 gress as being for an emergency requirement pursuant to
7 section 251(b)(2)(A)(i) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 DISASTER LOANS PROGRAM ACCOUNT

10 For an additional amount for the “Disaster Loans
11 Program Account” for the cost of direct loans authorized
12 by section 7(b) of the Small Business Act,
13 \$25,739,000,000, to remain available until expended: *Pro-*
14 *vided*, That up to \$739,000,000 may be transferred to and
15 merged with “Small Business Administration—Salaries
16 and Expenses”: *Provided further*, That for purposes of sec-
17 tion 7(b)(2)(D) of the Small Business Act, coronavirus
18 shall be deemed to be a disaster and amounts available
19 under “Disaster Loans Program Account” for the cost of
20 direct loans in any fiscal year may be used to make eco-
21 nomic injury disaster loans under such section in response
22 to the coronavirus: *Provided further*, That none of the
23 funds provided under this heading in this Act may be used
24 for indirect administrative expenses: *Provided further*,
25 That such amount is designated by the Congress as being

1 for an emergency requirement pursuant to section
2 251(b)(2)(A)(i) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985: *Provided further*, That
4 amounts repurposed under this heading that were pre-
5 viously designated by the Congress as an emergency re-
6 quirement pursuant to the Balanced Budget and Emer-
7 gency Deficit Control Act of 1985 are designated by the
8 Congress as an emergency requirement pursuant to sec-
9 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985.

11 SMALL BUSINESS DEBT RELIEF

12 For an additional amount for the cost of loan debt
13 relief as authorized by section 3 of the COVID–19 Relief
14 for Small Businesses Act of 2020, \$16,800,000,000 to re-
15 main available until September 30, 2021: *Provided*, That
16 such amount is designated by the Congress as being for
17 an emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 BUSINESS LOANS PROGRAM ACCOUNT

21 For an additional amount for “Business Loans Pro-
22 gram Account”, for the cost of direct loans and loan guar-
23 antees, such sums as may be necessary for the period of
24 fiscal years 2020 and 2021, of which \$10,200,000, to re-
25 main available until expended shall be for the cost of direct

1 loans, such sums as may be necessary for the period of
2 fiscal years 2020 and 2021, to remain available until ex-
3 pended, shall be for the cost of guaranteed loans, including
4 loan modifications authorized by sections 4, 5, 6, and 7
5 of the COVID–19 Relief for Small Businesses Act of
6 2020, and for the cost of guaranteed loans under section
7 503 of the Small Business Investment Act of 1958 and
8 section 7(a) of the Small Business Act for the period of
9 fiscal years 2020 through 2021: *Provided*, That for the
10 period of fiscal years 2020 through 2021, commitments
11 for general business loans authorized under section 7(a)
12 of the Small Business Act shall not exceed
13 \$75,000,000,000: *Provided further*, That amounts provide
14 in this paragraph for the cost of guaranteed loans under
15 section 7(a) of the Small Business Act are in addition to
16 amounts otherwise available for the same purposes: *Pro-*
17 *vided further*, That notwithstanding any other provision
18 of law, no amounts made available under this heading
19 shall be available for transfer to another budget account:
20 *Provided further*, That such amount is designated by the
21 Congress as being for an emergency requirement pursuant
22 to section 251(b)(2)(A)(i) of the Balanced Budget and
23 Emergency Deficit Control Act of 1985.

1 NEW MARKETS VENTURE CAPITAL PROGRAM

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

18 INTERMEDIARY LENDING PROGRAM

19 For an additional amount for the cost of the “Inter-
20 mediary Lending Program” as authorized by section 16
21 of the COVID–19 Relief for Small Businesses Act of
22 2020, \$50,000,000, to remain available until September
23 30, 2021: *Provided*, That such amount is designated by
24 the Congress as being for an emergency requirement pur-

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

3 ENTREPRENEURIAL DEVELOPMENT PROGRAMS

4 For an additional amount for “Entrepreneurial De-
5 velopment Programs” for grants to small business devel-
6 opment centers, women’s business centers, and chapters
7 of the service corps of retired executives, as authorized
8 under section 14 of the COVID–19 Relief for Small Busi-
9 nesses Act of 2020, \$240,000,000, to remain available
10 until September 30, 2021, of which \$190,000,000 shall
11 be for grants to small business development centers and
12 \$50,000,000 shall for grants to women’s business centers
13 and chapters of the service corps of retired executives:
14 *Provided*, That such amount is designated by the Congress
15 as being for an emergency requirement pursuant to sec-
16 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
17 gency Deficit Control Act of 1985.

18 SALARIES AND EXPENSES

19 For an additional amount for “Salaries and Ex-
20 penses”, \$805,000,000, to remain available until Sep-
21 tember 30, 2021, to carry out the requirements of the
22 COVID–19 Relief for Small Businesses Act of 2020, of
23 which \$80,000,000 shall be for marketing, management,
24 and technical assistance under section 7(m) of the Small
25 Business Act (15 U.S.C. 636(m)(4)) by intermediaries

1 that make microloans under the microloan program, and
2 of which \$25,000,000 shall be for resources and services
3 in languages other than English, as authorized in section
4 18 of the COVID–19 Relief for Small Businesses Act of
5 2020: *Provided*, That such amount is designated by the
6 Congress as being for an emergency requirement pursuant
7 to section 251(b)(2)(A)(i) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 ADMINISTRATIVE PROVISION—SMALL BUSINESS

10 ADMINISTRATION

11 SEC. 10502. Notwithstanding section 7(b)(2)(D) of
12 the Small Business Act, the Small Business Administra-
13 tion shall issue a disaster declaration for each State and
14 territory for coronavirus.

15 UNITED STATES POSTAL SERVICE

16 PAYMENT TO POSTAL SERVICE FUND

17 For payment to the “Postal Service Fund”, for rev-
18 enue forgone due to the coronavirus pandemic,
19 \$20,000,000,000, to remain available until September 30,
20 2022: *Provided*, That such amount is designated by the
21 Congress as being for an emergency requirement pursuant
22 to section 251(b)(2)(A)(i) of the Balanced Budget and
23 Emergency Deficit Control Act of 1985.

1 **GENERAL PROVISION—THIS TITLE**

2 SEC. 10503. Notwithstanding any other provision of
3 law, funds made available under each heading in this title
4 shall only be used for the purposes specifically described
5 under that heading.

1 TITLE VI
2 DEPARTMENT OF HOMELAND SECURITY
3 MANAGEMENT DIRECTORATE
4 OPERATIONS AND SUPPORT

5 For an additional amount for “Operations and Sup-
6 port”, \$178,000,000, for the purchase of personal protec-
7 tive equipment and related supplies for components of the
8 Department of Homeland Security to prevent, prepare for,
9 and respond to coronavirus: *Provided*, That such amount
10 is designated by the Congress as being for an emergency
11 requirement pursuant to section 251(b)(2)(A)(i) of the
12 Balanced Budget and Emergency Deficit Control Act of
13 1985.

14 TRANSPORTATION AND SECURITY ADMINISTRATION
15 OPERATIONS AND SUPPORT

16 For an additional amount for “Operations and Sup-
17 port”, \$100,000,000, to prevent, prepare for, and respond
18 to coronavirus; of which \$54,000,000 is for enhanced sani-
19 tation at airport security checkpoints; of which
20 \$26,000,000 is for overtime and travel costs for Transpor-
21 tation Security Officers; and of which \$20,000,000 is for
22 the purchase of explosive trace detection swabs: *Provided*,
23 That such amount is designated by the Congress as being
24 for an emergency requirement pursuant to section

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

3

COAST GUARD

4

OPERATIONS AND SUPPORT

5 For an additional amount for “Operations and Sup-
6 port”, \$141,000,000, to prevent, prepare for, and respond
7 to coronavirus through activation of Coast Guard Reserve
8 personnel under section 12302 of title 10, United States
9 Code and for purchases to increase the capability and ca-
10 pacity of information technology systems and infrastruc-
11 ture to support telework and remote access: *Provided*,
12 That such amount is designated by the Congress as being
13 for an emergency requirement pursuant to section
14 251(b)(2)(A)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985.

16

CYBERSECURITY AND INFRASTRUCTURE SECURITY

17

AGENCY

18

OPERATIONS AND SUPPORT

19 For an additional amount for “Operations and Sup-
20 port”, \$14,400,000, to prevent, prepare for, and respond
21 to coronavirus through interagency critical infrastructure
22 coordination and related activities: *Provided*, That such
23 amount is designated by the Congress as being for an
24 emergency requirement pursuant to section

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

3 FEDERAL EMERGENCY MANAGEMENT AGENCY

4 OPERATIONS AND SUPPORT

5 For an additional amount for “Operations and Sup-
6 port”, \$45,000,000, for facilities and information tech-
7 nology to prevent, prepare for, and respond to coronavirus:
8 *Provided*, That such amount is designated by the Congress
9 as being for an emergency requirement pursuant to sec-
10 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985.

12 FEDERAL ASSISTANCE

13 For an additional amount for “Federal Assistance”,
14 \$200,000,000, for the emergency food and shelter pro-
15 gram under title III of the McKinney-Vento Homeless As-
16 sistance Act (42 U.S.C. 11331 et seq.): *Provided*, That
17 notwithstanding sections 315 and 316(b) of such Act,
18 funds made available under this section shall be disbursed
19 by the Emergency Food and Shelter Program National
20 Board not later than 30 days after the date on which such
21 funds become available: *Provided further*, That such funds
22 may be used to reimburse jurisdictions or local recipient
23 organizations for costs incurred in providing services on
24 or after January 1, 2020: *Provided further*, That such
25 amount is designated by the Congress as being for an

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

4 For an additional amount for “Federal Assistance”,
5 to supplement funds otherwise available for the “Assist-
6 ance to Firefighters Grants” \$100,000,000, to remain
7 available until September 30, 2021, for the purchase of
8 personal protective equipment and related supplies to pre-
9 vent, prepare for, and respond to coronavirus: *Provided*,
10 That such amount is designated by the Congress as being
11 for an emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985

14 DISASTER RELIEF FUND

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

21 GENERAL PROVISIONS—THIS TITLE

22 SEC. 10601. Notwithstanding any other provision of
23 law, funds made available under each heading in this title,
24 except for “Federal Emergency Management Agency—

1 Disaster Relief Fund”, shall only be used for the purposes
2 specifically described under that heading.

3 SEC. 10602. (a) Assistance provided under the emer-
4 gency declaration issued by the President on March 13,
5 2020, pursuant to section 501(b) of the Robert T. Staf-
6 ford Disaster Relief and Emergency Assistance Act (42
7 U.S.C. 5121–5207), and under any subsequent major dec-
8 laration under section 401 of such Act that supersedes
9 such emergency declaration, shall be at a 100 percent
10 Federal cost share.

11 (b) Amounts repurposed under this section that were
12 previously designated by the Congress, respectively, as an
13 emergency requirement or as being for disaster relief pur-
14 suant to the Balanced Budget and Emergency Deficit
15 Control Act are designated by the Congress as being for
16 an emergency requirement pursuant to section
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985 or as being for disaster relief
19 pursuant to section 251(b)(2)(D) of the Balanced Budget
20 and Emergency Deficit Control Act of 1985.

21 SEC. 10603. Notwithstanding any other provision of
22 law, any amounts appropriated for “Department of Home-
23 land Security—Federal Emergency Management Agen-
24 cy—Disaster Relief Fund” in this Act are available only
25 for the purposes for which they were appropriated.

1 SEC. 10604. (a) For calendar year 2020 and calendar
2 year 2021, any provision of law limiting the aggregate
3 amount of premium pay or overtime payable on a biweekly
4 or calendar year basis, or establishing an aggregate limita-
5 tion on pay, shall not apply to any premium pay or over-
6 time that is funded, either directly or through reimburse-
7 ment, by the “Federal Emergency Management Agency—
8 Disaster Relief Fund” related to an emergency or major
9 disaster declared in calendar year 2020.

10 (b) Pay exempted from otherwise applicable limits
11 under this section shall not cause the aggregate pay for
12 the calendar year to exceed the rate of basic pay payable
13 for a position at level II of the Executive Schedule under
14 section 5313 of title 5, United States Code.

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

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

22 (e) Amounts repurposed under this section that were
23 previously designated by the Congress, respectively, as an
24 emergency requirement or as being for disaster relief pur-
25 suant to the Balanced Budget and Emergency Deficit

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

7 SEC. 10605. The Secretary of Homeland Security,
8 under the authority granted under section 205(b) of the
9 REAL ID Act of 2005 (Public Law 109–13; 49 U.S.C.
10 30301 note) shall extend the deadline by which States are
11 required to meet the driver license and identification card
12 issuance requirements under section 202(a)(1) of such Act
13 until not earlier than September 30, 2021.

14 SEC. 10606. (a) For the emergency declared on
15 March 13, 2020, by the President under section 501 of
16 the Robert T. Stafford Disaster Relief and Emergency As-
17 sistance Act (42 U.S.C. 5191) the President may provide
18 assistance for —

19 (1) activities, costs, and purchases of State and local
20 jurisdictions including—

21 (A) activities eligible for assistance under sec-
22 tions 301, 415, 416, and 426 of the Robert T. Staf-
23 ford Disaster Relief and Emergency Assistance Act
24 (42 U.S.C. 5141, 5182, 5183, 5189d);

1 (B) backfill costs for first responders and other
2 essential employees who are ill or quarantined;

3 (C) increased operating costs for essential gov-
4 ernment services due to such emergency, including
5 costs for implementing continuity plans;

6 (D) costs of providing guidance and information
7 to the public and for call centers to disseminate such
8 guidance and information;

9 (E) costs associated with establishing virtual
10 services;

11 (F) costs for establishing and operating remote
12 test sites;

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

16 (H) personal protective equipment and other
17 critical supplies for first responders; and

18 (I) public health and medical supplies; and

19 (2) activities and costs of nonprofit organizations in-
20 cluding—

21 (A) operating and equipment costs for blood do-
22 nation activities, including personnel costs; and

23 (B) establishing and operating public call cen-
24 ters in support of government operations, including
25 personnel costs.

1 (b) The activities specified in subsection (a) may also
2 be eligible for assistance under any major disaster de-
3 clared by the President under section 401 of such Act that
4 supersedes the emergency declaration described in such
5 subsection.

6 (c) Nothing in this section shall be construed to make
7 ineligible any assistance that would otherwise be eligible
8 under section 502 of such Act.

9 SEC. 10607. (a) During the public health emergency
10 declared pursuant to section 319 of the Public Health
11 Service Act (42 U.S.C. 247d) with respect to the COVID-
12 19 pandemic, the Secretary of Homeland Security, Sec-
13 retary of State, Attorney General or Secretary of Labor,
14 as appropriate, shall temporarily suspend or modify any
15 procedural requirement with which an applicant, peti-
16 tioner, or other person or entity must otherwise comply
17 under the immigration laws, as defined in section
18 101(a)(17) of the Immigration and Nationality Act (8
19 U.S.C. 1101(a)(17)), or any regulation pertaining thereto,
20 when necessary to—

21 (1) promote government efficiency;

22 (2) ensure the timely and fair adjudication of
23 applications or petitions;

24 (3) prevent hardship to applicants, petitioners,
25 beneficiaries, or other persons or entities, including

1 by granting automatic or other extensions or renew-
2 als when necessary to protect individuals from lapses
3 in status or work authorization; or

4 (4) protect the public interest.

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

11 (c) Notwithstanding any other provision of law, with
12 respect to any alien whose nonimmigrant status, status
13 under section 244 of the Immigration and Nationality Act
14 (8 U.S.C. 1254a), or employment authorization has ex-
15 pired within the 30 days preceding the date of the enact-
16 ment of this act, or will expire not later than one year
17 after such date, the Secretary of Homeland Security shall
18 automatically extend such status or work authorization for
19 the same time period as the alien's prior status or work
20 authorization.

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

1 SEC. 10608. (a) Amounts provided for “Coast
2 Guard—Operations and Support” for fiscal year 2020
3 may, in addition to amounts otherwise available for such
4 purposes, be available for pay and benefits of Coast Guard
5 Yard and Vessel Documentation personnel, Non-Appro-
6 priated Funds personnel, and for Morale, Welfare and
7 Recreation Programs.

8 (b) Any amounts repurposed under subsection (a)
9 that were previously designated by the Congress as an
10 emergency requirement or as being for Overseas Contin-
11 gency Operations/Global War on Terrorism pursuant to
12 the Balanced Budget and Emergency Deficit Control Act
13 of 1985 are designated by the Congress as being for an
14 emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985 or as for Overseas Contin-
17 gency Operations/Global War on Terrorism pursuant to
18 section 251(b)(2)(A)(ii) of the Balanced Budget and
19 Emergency Deficit Control Act of 1985.

1 TITLE VII—INTERIOR, ENVIRONMENT, AND
2 RELATED AGENCIES
3 DEPARTMENT OF THE INTERIOR
4 BUREAU OF INDIAN AFFAIRS
5 OPERATION OF INDIAN PROGRAMS
6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for “Operation of Indian
8 Programs”, \$453,000,000, to remain available until Sep-
9 tember 30, 2021, to prevent, prepare for, and respond to
10 coronavirus, including to support public safety and justice
11 programs, welfare and social service programs (including
12 assistance to individuals), and for aid to Tribal govern-
13 ments: *Provided*, That of such sums, funds may be used
14 for executive direction to carry out cleaning of facilities,
15 to purchase personal protective equipment, and to obtain
16 information technology: *Provided further*, That the limita-
17 tion on welfare assistance funds included in the matter
18 preceding the first proviso under this heading in the Fur-
19 ther Consolidated Appropriations Act, 2020 (Public Law
20 116–94) shall not apply to amounts provided for such pro-
21 grams in this paragraph: *Provided further*, That assistance
22 received hereunder shall not be included in the calculation
23 of funds received by those Tribal governments who partici-
24 pate in the “Small and Needy” program: *Provided further*,
25 That amounts provided under this heading in this Act may

1 be made available for distribution through Tribal priority
2 allocations for Tribal response and capacity building ac-
3 tivities related to the purposes identified under this head-
4 ing in this Act: *Provided further*, That such amounts, if
5 transferred to Tribes and Tribal organizations under the
6 Indian Self-Determination and Education Assistance Act:
7 (1) will be transferred on a one-time basis, (2) are non-
8 recurring funds that are not part of the amount required
9 by 25 U.S.C. 5325, and (3) may only be used for the pur-
10 poses identified under this heading in this Act, notwith-
11 standing any other provision of law: *Provided further*, That
12 such amount is designated by the Congress as being for
13 an emergency requirement pursuant to section
14 251(b)(2)(A)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985.

16 BUREAU OF INDIAN EDUCATION

17 OPERATION OF INDIAN EDUCATION PROGRAMS

18 For an additional amount for “Operation of Indian
19 Education Programs”, \$69,000,000, to remain available
20 until September 30, 2021, to prevent, prepare for, and re-
21 spond to coronavirus, including, in addition to amounts
22 otherwise available, support for Tribally-Controlled Col-
23 leges and Universities, salaries, transportation, and infor-
24 mation technology: *Provided*, That of the amounts pro-
25 vided in this paragraph, not less than \$20,000,000 shall

1 be for Tribally-Controlled Colleges and Universities: *Pro-*
2 *vided further*, That such amount is designated by the Con-
3 gress as being for an emergency requirement pursuant to
4 section 251(b)(2)(A)(i) of the Balanced Budget and
5 Emergency Deficit Control Act of 1985.

6 DEPARTMENTAL OFFICES

7 OFFICE OF THE SECRETARY

8 DEPARTMENTAL OPERATIONS

9 (INCLUDING TRANSFERS OF FUNDS)

10 For an additional amount for “Departmental Oper-
11 ations” for necessary expenses to prevent, prepare for, and
12 respond to coronavirus, \$158,400,000, to remain available
13 until September 30, 2021: *Provided*, That the amounts
14 made available in this paragraph shall be used to absorb
15 increased operational costs associated with the coronavirus
16 outbreak including but not limited to: purchase of equip-
17 ment and supplies to disinfect and clean buildings and
18 public areas, support law enforcement and emergency
19 management operations, biosurveillance of wildlife and en-
20 vironmental persistence studies, employee overtime and
21 special pay expenses, and for other response, mitigation,
22 or recovery activities associated with the coronavirus out-
23 break: *Provided further*, That the amounts made available
24 by this paragraph may be transferred between the Office
25 of the Secretary and any Department of the Interior com-

1 ponent bureau or office that received funding in division
2 D of the Further Consolidated Appropriations Act, 2020
3 (Public Law 116–94): *Provided further*, That concurrent
4 with any such transfer the Secretary shall notify the
5 House and Senate Committees on Appropriations in writ-
6 ing and provide a detailed description of and justification
7 for each transfer: *Provided further*, That as soon as prac-
8 ticable after the date of enactment of this Act, the Sec-
9 retary shall transfer \$1,000,000 to the Office of the In-
10 spector General, “Salaries and Expenses” account for
11 oversight activities related to the implementation of pro-
12 grams, activities, or projects funded herein: *Provided fur-*
13 *ther*, That expenditure of amounts made available herein
14 may be made through direct expenditure or cooperative
15 agreement: *Provided further*, That such amount is des-
16 igned by the Congress as being for an emergency re-
17 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985.

19 INSULAR AFFAIRS

20 For an additional amount for “Assistance to Terri-
21 tories”, \$55,000,000, to remain available until September
22 30, 2021, to prevent, prepare for, and respond to
23 coronavirus, domestically or internationally, for territorial
24 assistance, specifically for general technical assistance:
25 *Provided*, That such amount is designated by the Congress

1 as being for an emergency requirement pursuant to sec-
2 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
3 gency Deficit Control Act of 1985.

4 ENVIRONMENTAL PROTECTION AGENCY

5 SCIENCE AND TECHNOLOGY

6 For an additional amount for “Science and Tech-
7 nology”, \$2,250,000, to remain available until September
8 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, of which \$750,000 shall be for necessary ex-
10 penses for cleaning and disinfecting equipment or facilities
11 of, or for use by, the Environmental Protection Agency,
12 and \$1,500,000 shall be for research on methods to reduce
13 the risks from environmental transmission of coronavirus
14 via contaminated surfaces or materials: *Provided*, That
15 such amount is designated by the Congress as being for
16 an emergency requirement pursuant to section
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

20 For an additional amount for “Environmental Pro-
21 grams and Management”, \$3,910,000, to remain available
22 until September 30, 2021, to prevent, prepare for, and re-
23 spond to coronavirus, of which \$2,410,000 shall be for
24 necessary expenses for cleaning and disinfecting equip-
25 ment or facilities of, or for use by, the Environmental Pro-

1 tection Agency, and operational continuity of Environ-
2 mental Protection Agency programs and related activities,
3 and \$1,500,000 shall be for expediting registration and
4 other actions related to pesticides to address coronavirus:
5 *Provided*, That such amount is designated by the Congress
6 as being for an emergency requirement pursuant to sec-
7 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
8 gency Deficit Control Act of 1985.

9 BUILDINGS AND FACILITIES

10 For an additional amount for “Buildings and Facili-
11 ties”, \$300,000, to remain available until September 30,
12 2021, to prevent, prepare for, and respond to coronavirus:
13 *Provided*, That such funds shall be for necessary expenses
14 for cleaning and disinfecting equipment or facilities of, or
15 for use by, the Environmental Protection Agency: *Pro-*
16 *vided further*, That such amount is designated by the Con-
17 gress as being for an emergency requirement pursuant to
18 section 251(b)(2)(A)(i) of the Balanced Budget and
19 Emergency Deficit Control Act of 1985.

20 HAZARDOUS SUBSTANCE SUPERFUND

21 For an additional amount for “Hazardous Substance
22 Superfund”, \$770,000, to remain available until Sep-
23 tember 30, 2021, to prevent, prepare for, and respond to
24 coronavirus: *Provided*, That such funds shall be for nec-
25 essary expenses for cleaning and disinfecting equipment

1 or facilities of, or for use by, the Environmental Protection
2 Agency: *Provided further*, That such amount is designated
3 by the Congress as being for an emergency requirement
4 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
5 et and Emergency Deficit Control Act of 1985.

6 DEPARTMENT OF AGRICULTURE

7 FOREST SERVICE

8 FOREST AND RANGELAND RESEARCH

9 For an additional amount for “Forest and Rangeland
10 Research”, \$3,000,000, to remain available until Sep-
11 tember 30, 2021, for the reestablishment of abandoned or
12 failed experiments associated with coronavirus restric-
13 tions: *Provided*, That such amount is designated by the
14 Congress as being for an emergency requirement pursuant
15 to section 251(b)(2)(A)(i) of the Balanced Budget and
16 Emergency Deficit Control Act of 1985.

17 NATIONAL FOREST SYSTEM

18 For an additional amount for “National Forest Sys-
19 tem”, \$33,800,000, to remain available until September
20 30, 2021, to prevent, prepare for, and respond to
21 coronavirus, including for personal protective equipment,
22 for cleaning and disinfecting public recreation amenities,
23 and for necessary expenses related to cybersecurity, the
24 provision of telework ready equipment, and Information
25 Technology help desk personnel: *Provided*, That such

1 amount is designated by the Congress as being for an
2 emergency requirement pursuant to section
3 251(b)(2)(A)(i) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 CAPITAL IMPROVEMENT AND MAINTENANCE

6 For an additional amount for “Capital Improvement
7 and Maintenance”, \$26,800,000, to remain available until
8 September 30, 2021, for necessary expenses related to cy-
9 bersecurity, the provision of telework ready equipment,
10 and Information Technology help desk personnel, and for
11 the cleaning, disinfecting, and janitorial services to pre-
12 vent, prepare for, and respond to coronavirus: *Provided*,
13 That such amount is designated by the Congress as being
14 for an emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 WILDLAND FIRE MANAGEMENT

18 For an additional amount for “Wildland Fire Man-
19 agement” to supplement amounts otherwise available for
20 Preparedness, \$7,000,000, to remain available until Sep-
21 tember 30, 2021, for personal protective equipment and
22 necessary expenses of first responders to prevent, prepare
23 for, and respond to coronavirus: *Provided*, That such
24 amount is designated by the Congress as being for an
25 emergency requirement pursuant to section

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

3 DEPARTMENT OF HEALTH AND HUMAN
4 SERVICES

5 INDIAN HEALTH SERVICE

6 INDIAN HEALTH SERVICES

7 For an additional amount for “Indian Health Serv-
8 ices”, \$1,032,000,000, to remain available until Sep-
9 tember 30, 2021, for preparedness, response, surveillance,
10 and health service activities for coronavirus, including for
11 public health support, electronic health record moderniza-
12 tion, telehealth and other IT upgrades, Purchased/Re-
13 ferred care, Catastrophic Health Emergency Fund, com-
14 munity health representatives, Urban Indian Organiza-
15 tions, Tribal Epidemiology Centers, and other activities to
16 protect the safety of patients and staff: *Provided*, That
17 none of the funds appropriated by this Act to the Indian
18 Health Service for the Electronic Health Record system
19 shall be made available for obligation to execute a Request
20 for Proposal for selection of core components appropriate
21 to support the initial capacity of the system unless the
22 Committees on Appropriations of the House of Represent-
23 atives and the Senate have been briefed 90 days in ad-
24 vance of such execution of a Request for Proposal: *Pro-*
25 *vided further*, That of the amount provided in this para-

1 graph, not less than \$450,000,000 shall be distributed
2 through Tribal shares and contracts with Urban Indian
3 Organizations: *Provided further*, That any amounts pro-
4 vided in this paragraph not allocated pursuant to the pre-
5 ceding proviso shall be allocated at the discretion of the
6 Director of the Indian Health Service: *Provided further*,
7 That such amounts may be used to supplement amounts
8 otherwise available under “Indian Health Facilities”: *Pro-*
9 *vided further*, That such amounts, if transferred to Tribes
10 and Tribal organizations under the Indian Self-Deter-
11 mination and Education Assistance Act, will be trans-
12 ferred on a one-time basis and that these non-recurring
13 funds are not part of the amount required by 25 U.S.C.
14 5325, and that such amounts may only be used for the
15 purposes identified under this heading notwithstanding
16 any other provision of law: *Provided further*, That such
17 amount is designated by the Congress as being for an
18 emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

1 INSTITUTE OF AMERICAN INDIAN AND ALASKA
2 NATIVE CULTURE
3 PAYMENT TO THE INSTITUTE

4 For an additional amount for “Payment to the Insti-
5 tute”, \$78,000, to remain available until September 30,
6 2021, to prevent, prepare for, and respond to coronavirus:
7 *Provided*, That such amount is designated by the Congress
8 as being for an emergency requirement pursuant to sec-
9 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985.

11 SMITHSONIAN INSTITUTION
12 SALARIES AND EXPENSES

13 For an additional amount for “Salaries and Ex-
14 penses”, \$7,500,000, to remain available until September
15 30, 2021, for cleaning, security, information technology,
16 and staff overtime, to prevent, prepare for, and respond
17 to coronavirus: *Provided*, That such amount is designated
18 by the Congress as being for an emergency requirement
19 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
20 et and Emergency Deficit Control Act of 1985.

21 JOHN F. KENNEDY CENTER FOR THE PERFORMING
22 ARTS
23 OPERATIONS AND MAINTENANCE

24 For an additional amount for “Operations and Main-
25 tenance”, \$35,000,000, to remain available until Sep-

1 tember 30, 2021, for operations and maintenance require-
2 ments related to the consequences of coronavirus: *Pro-*
3 *vided*, That notwithstanding the provisions of 20 U.S.C.
4 76h et seq., funds provided in this Act shall be made avail-
5 able to cover operating expenses required to ensure the
6 continuity of the John F. Kennedy Center for the Per-
7 forming Arts and its affiliates, including for employee
8 compensation and benefits, grants, contracts, payments
9 for rent or utilities, fees for artists or performers, informa-
10 tion technology, and other administrative expenses: *Pro-*
11 *vided further*, That no later than October 31, 2020, the
12 Board of Trustees of the Center shall submit a report to
13 the Committees on Appropriations of the House of Rep-
14 resentatives and Senate that includes a detailed expla-
15 nation of the distribution of the funds provided herein:
16 *Provided further*, That such amount is designated by the
17 Congress as being for an emergency requirement pursuant
18 to section 251(b)(2)(A)(i) of the Balanced Budget and
19 Emergency Deficit Control Act of 1985.

20 NATIONAL FOUNDATION ON THE ARTS AND THE

21 HUMANITIES

22 NATIONAL ENDOWMENT FOR THE ARTS

23 GRANTS AND ADMINISTRATION

24 For an additional amount for “Grants and Adminis-
25 tration”, \$300,000,000, to remain available until Sep-

1 tember 30, 2021, for grants to respond to the impacts of
2 coronavirus: *Provided*, That such funds are available
3 under the same terms and conditions as grant funding ap-
4 propriated to this heading in P.L. 116–94: *Provided fur-*
5 *ther*, That 40 percent of such funds shall be distributed
6 to State arts agencies and regional arts organizations and
7 60 percent of such funds shall be for direct grants: *Pro-*
8 *vided further*, That such amount is designated by the Con-
9 gress as being for an emergency requirement pursuant to
10 section 251(b)(2)(A)(i) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985:

12 NATIONAL ENDOWMENT FOR THE HUMANITIES

13 GRANTS AND ADMINISTRATION

14 For an additional amount for “Grants and Adminis-
15 tration”, \$300,000,000, to remain available until Sep-
16 tember 30, 2021, for grants to respond to the impacts of
17 coronavirus: *Provided*, That such funds are available
18 under the same terms and conditions as grant funding ap-
19 propriated to this heading in Public Law 116–94: *Pro-*
20 *vided further*, That 40 percent of such funds shall be dis-
21 tributed to state humanities councils and 60 percent of
22 such funds shall be for direct grants: *Provided further*,
23 That such amount is designated by the Congress as being
24 for an emergency requirement pursuant to section

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

3 GENERAL PROVISIONS

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

17 SEC. 10702. Notwithstanding any other provision of
18 law, funds made available under the heading “National
19 Foundation on the Arts and the Humanities—National
20 Endowment for the Humanities—Grants and Administra-
21 tion” for each of fiscal years 2019 and 2020 for grants
22 for the purposes described in section 7(c) and 7(h)(1) of
23 the National Foundation on the Arts and Humanities Act
24 of 1965 may also be used by the recipients of such grants
25 for purposes of the general operations of such recipients

1 and the matching requirements under subsection
2 (h)(2)(A) of section 7 of the National Foundation on the
3 Arts and Humanities Act of 1965 may be waived with re-
4 spect to such grants.

1 TITLE VIII—DEPARTMENTS OF LABOR,
2 HEALTH AND HUMAN SERVICES, AND EDU-
3 CATION, AND RELATED AGENCIES

4 DEPARTMENT OF LABOR

5 EMPLOYMENT AND TRAINING ADMINISTRATION

6 TRAINING AND EMPLOYMENT SERVICES

7 For an additional amount for “Training and Employ-
8 ment Services”, \$960,000,000, to remain available until
9 September 30, 2021, to prevent, prepare for, and respond
10 to coronavirus through activities under the Workforce In-
11 novation and Opportunity Act (referred to in this Act as
12 “WIOA”) as follows:

13 (1) \$212,000,000 for grants to States for adult
14 employment and training activities, including sup-
15 portive services and needs-related payments;

16 (2) \$227,000,000 for grants to States for youth
17 activities, including supportive services;

18 (3) \$261,000,000 for grants to States for dis-
19 located worker employment and training activities,
20 including supportive services and needs-related pay-
21 ments;

22 (4) \$250,000,000 for the Dislocated Worker
23 National Reserve, of which \$150,000,000 shall be
24 for the Strengthening Community College Training
25 Grant program as outlined under the heading

1 “Training and Employment Services” in paragraph
2 (2)(A)(ii) of title I of division A of Public Law 116–
3 94 to assist community colleges in meeting the edu-
4 cational and training needs of their communities as
5 a result of coronavirus;

6 (5) \$10,000,000 for Migrant and Seasonal
7 Farmworkers, including for emergency supportive
8 services to farmworkers, of which \$500,000 shall be
9 available for the collection and dissemination of elec-
10 tronic and printed materials related to coronavirus:
11 *Provided*, That such amount is designated by the Congress
12 as being for an emergency requirement pursuant to sec-
13 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
14 gency Deficit Control Act of 1985.

15 JOB CORPS

16 For an additional amount for “Job Corps”,
17 \$100,000,000, to remain available until September 30,
18 2021, to prevent, prepare for, and respond to coronavirus,
19 including for student services: *Provided*, That such
20 amount is designated by the Congress as being for an
21 emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

1 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
2 SERVICE OPERATIONS

3 For an additional amount for “State Unemployment
4 and Insurance and Employment Service Operations”,
5 \$150,000,000, to remain available until September 30,
6 2021, to prevent, prepare for, and respond to coronavirus
7 through grants to States in accordance with section 6 of
8 the Wagner-Peyser Act: *Provided*, That such amount is
9 designated by the Congress as being for an emergency re-
10 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985.

12 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
13 AMERICANS

14 For an additional amount for “Community Service
15 Employment for Older Americans”, \$120,000,000, to re-
16 main available until September 30, 2021, to prevent, pre-
17 pare for, and respond to coronavirus: *Provided*, That
18 funds made available under this heading in this Act may,
19 in accordance with section 517(c) of the Older Americans
20 Act of 1965, be recaptured and reobligated: *Provided fur-*
21 *ther*, That such amount is designated by the Congress as
22 being for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 PROGRAM ADMINISTRATION

2 For an additional amount for “Program Administra-
3 tion”, \$15,000,000, to remain available until September
4 30, 2020, to prevent, prepare for, and respond to
5 coronavirus, including for the administration, oversight,
6 and coordination of unemployment insurance activities re-
7 lated thereto: *Provided*, That such amount is designated
8 by the Congress as being for an emergency requirement
9 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
10 et and Emergency Deficit Control Act of 1985.

11 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

12 SALARIES AND EXPENSES

13 For an additional amount for “Employee Benefits
14 Security Administration”, \$3,000,000, to remain available
15 until September 30, 2020, to prevent, prepare for, and re-
16 spond to coronavirus, including for the administration,
17 oversight, and coordination of worker protection activities
18 related thereto: *Provided*, That such amount is designated
19 by the Congress as being for an emergency requirement
20 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
21 et and Emergency Deficit Control Act of 1985.

22 WAGE AND HOUR DIVISION

23 SALARIES AND EXPENSES

24 For an additional amount for “Wage and Hour Divi-
25 sion”, \$6,500,000, to remain available until September

1 30, 2020, to prevent, prepare for, and respond to
2 coronavirus, including for the administration, oversight,
3 and coordination of worker protection activities related
4 thereto: *Provided*, That such amount is designated by the
5 Congress as being for an emergency requirement pursuant
6 to section 251(b)(2)(A)(i) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985.

8 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
9 SALARIES AND EXPENSES

10 For an additional amount for “Occupational Safety
11 and Health Administration”, \$30,000,000, to remain
12 available until September 30, 2021, for worker protection
13 activities to prevent, prepare for, and respond to
14 coronavirus: *Provided*, That of that amount, \$10,000,000
15 shall be available for Susan Harwood training grants: *Pro-*
16 *vided further*, That such amount is designated by the Con-
17 gress as being for an emergency requirement pursuant to
18 section 251(b)(2)(A)(i) of the Balanced Budget and
19 Emergency Deficit Control Act of 1985.

20 DEPARTMENTAL MANAGEMENT

21 OFFICE OF INSPECTOR GENERAL

22 SALARIES AND EXPENSES

23 For an additional amount for “Office of Inspector
24 General”, \$1,500,000, to remain available until September
25 30, 2022, for oversight of activities supported with funds

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

6 VETERANS EMPLOYMENT AND TRAINING

7 For an additional amount for “Veterans Employment
8 and Training,” \$15,000,000, to remain available through
9 September 30, 2021, to prevent, prepare for, and respond
10 to coronavirus, including for programs to assist homeless
11 veterans and veterans at risk of homelessness: *Provided*,
12 That such amount is designated by the Congress as being
13 for an emergency requirement pursuant to section
14 251(b)(2)(A)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985.

16 DEPARTMENT OF HEALTH AND HUMAN
17 SERVICES

18 HEALTH RESOURCES AND SERVICES ADMINISTRATION

19 PRIMARY HEALTH CARE

20 For an additional amount for “Primary Health
21 Care”, \$1,300,000,000, to remain available until Sep-
22 tember 30, 2021, for necessary expenses to prevent, pre-
23 pare for, and respond to coronavirus, for grants and coop-
24 erative agreements under the Health Centers Program, as
25 defined by section 330 of the Public Health Service Act,

1 and for eligible entities under the Native Hawaiian Health
2 Care Improvement Act, including maintenance of current
3 health care center capacity and staffing levels: *Provided*,
4 That sections 330(r)(2)(B), 330(e)(6)(A)(iii), and
5 330(e)(6)(B)(iii) shall not apply to funds provided under
6 this heading in this Act: *Provided further*, That such
7 amount is designated by the Congress as being for an
8 emergency requirement pursuant to section
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 RYAN WHITE HIV/AIDS PROGRAM

12 For an additional amount for “Ryan White HIV/
13 AIDS Program”, \$90,000,000, to remain available
14 through September 30, 2021, to prevent, prepare for, and
15 respond to coronavirus: *Provided*, That awards from funds
16 provided under this heading in this Act shall be through
17 modifications to existing contracts and supplements to ex-
18 isting grants and cooperative agreements under parts A
19 , B, C, D, F, and section 2692(a) of title XXVI of the
20 Public Health Service Act: *Provided further*, That such
21 supplements shall be awarded using a data-driven method-
22 ology determined by the Secretary of Health and Human
23 Services: *Provided further*, That sections 2604(c),
24 2612(b), and 2651(c) of the Public Health Service Act
25 shall not apply to funds provided under this heading in

1 this Act: *Provided further*, That such amount is designated
2 by the Congress as being for an emergency requirement
3 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
4 et and Emergency Deficit Control Act of 1985.

5 HEALTH CARE SYSTEMS

6 For an additional amount for “Health Care Sys-
7 tems”, \$5,000,000, to remain available until September
8 30, 2021 to prevent, prepare for, and respond to
9 coronavirus, for activities authorized under sections 1271
10 and 1273 of the Public Health Service Act to improve the
11 capacity of poison control centers to respond to increased
12 calls and communications: *Provided*, That such amount is
13 designated by the Congress as being for an emergency re-
14 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
15 anced Budget and Emergency Deficit Control Act of 1985.

16 RURAL HEALTH

17 For an additional amount for “Rural Health”,
18 \$460,000,000, to remain available through September 30,
19 2021, to prevent, prepare for, and respond to coronavirus,
20 including telephonic and virtual care for the underinsured,
21 and for continuation and expansion of telehealth and rural
22 health activities under sections 330A and 330I of the Pub-
23 lic Health Service Act and section 711 of the Social Secu-
24 rity Act: *Provided*, That of the amount provided under this
25 heading in this Act, not less than \$15,000,000 shall be

1 allocated to tribes, tribal organizations, urban Indian
2 health organizations, or health service providers to tribes:
3 *Provided further*, That such amount is designated by the
4 Congress as being for an emergency requirement pursuant
5 to section 251(b)(2)(A)(i) of the Balanced Budget and
6 Emergency Deficit Control Act of 1985.

7 CENTERS FOR DISEASE CONTROL AND PREVENTION

8 CDC–WIDE ACTIVITIES AND PROGRAM SUPPORT

9 For an additional amount for “CDC–Wide Activities
10 and Program Support”, \$5,500,000,000, to remain avail-
11 able until September 30, 2024, to prevent, prepare for,
12 and respond to coronavirus, domestically or internation-
13 ally: *Provided*, That not less than \$2,000,000,000 of the
14 amount provided shall be for grants to or cooperative
15 agreements with States, localities, territories, tribes, tribal
16 organizations, urban Indian health organizations, or
17 health service providers to tribes, for such purposes includ-
18 ing to carry out surveillance, epidemiology, laboratory ca-
19 pacity, infection control, mitigation, communications, and
20 other preparedness and response activities: *Provided fur-*
21 *ther*, That every grantee that received a Public Health
22 Emergency Preparedness grant for fiscal year 2019 shall
23 receive not less than 100 percent of that grant level from
24 funds provided in the first proviso under this heading in
25 this Act, and not less than \$125,000,000 of such funds

1 shall be allocated to tribes, tribal organizations, urban In-
2 dian health organizations, or health service providers to
3 tribes: *Provided further*, That the Director of the Centers
4 for Disease Control and Prevention (“CDC”) may satisfy
5 the funding thresholds outlined in the preceding two pro-
6 visos by making awards through other grant or coopera-
7 tive agreement mechanisms: *Provided further*, That of the
8 amount provided under this heading in this Act, not less
9 than \$1,000,000,000 shall be for global disease detection
10 and emergency response: *Provided further*, That of the
11 amount provided under this heading in this Act,
12 \$500,000,000 shall be for public health data surveillance
13 and analytics infrastructure modernization: *Provided fur-*
14 *ther*, That funds appropriated under this heading in this
15 Act may be used for grants for the rent, lease, purchase,
16 acquisition, construction, alteration, or renovation of non-
17 Federally owned facilities to improve preparedness and re-
18 sponse capability at the State and local level: *Provided fur-*
19 *ther*, That funds may be used for purchase and insurance
20 of official motor vehicles in foreign countries: *Provided fur-*
21 *ther*, That such amount is designated by the Congress as
22 being for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 NATIONAL INSTITUTES OF HEALTH

2 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

3 For an additional amount for “National Heart, Lung,
4 and Blood Institute”, \$103,400,000, to remain available
5 until September 30, 2024, to prevent, prepare for, and re-
6 spond to coronavirus, domestically or internationally: *Pro-*
7 *vided*, That such amount is designated by the Congress
8 as being for an emergency requirement pursuant to sec-
9 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985.

11 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS

12 DISEASES

13 For an additional amount for “National Institute of
14 Allergy and Infectious Diseases”, \$550,000,000, to re-
15 main available until September 30, 2024, to prevent, pre-
16 pare for, and respond to coronavirus, domestically or
17 internationally: *Provided*, That such amount is designated
18 by the Congress as being for an emergency requirement
19 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
20 et and Emergency Deficit Control Act of 1985.

21 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

22 SCIENCES

23 For an additional amount for “National Institute of
24 Environmental Health Sciences”, \$10,000,000, to remain
25 available until September 30, 2024, for worker-based

1 training to prevent and reduce exposure of hospital em-
2 ployees, emergency first responders, and other workers
3 who are at risk of exposure to coronavirus through their
4 work duties: *Provided*, That such amount is designated by
5 the Congress as being for an emergency requirement pur-
6 suant to section 251(b)(2)(A)(i) of the Balanced Budget
7 and Emergency Deficit Control Act of 1985.

8 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
9 BIOENGINEERING

10 For an additional amount for “National Institute of
11 Biomedical Imaging and Bioengineering”, \$60,000,000, to
12 remain available until September 30, 2024, to prevent,
13 prepare for, and respond to coronavirus, domestically or
14 internationally: *Provided*, That such amount is designated
15 by the Congress as being for an emergency requirement
16 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
17 et and Emergency Deficit Control Act of 1985.

18 NATIONAL LIBRARY OF MEDICINE

19 For an additional amount for “National Library of
20 Medicine”, \$10,000,000, to remain available until Sep-
21 tember 30, 2024, to prevent, prepare for, and respond to
22 coronavirus, domestically or internationally: *Provided*,
23 That such amount is designated by the Congress as being
24 for an emergency requirement pursuant to section

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

3 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
4 SCIENCES

5 For an additional amount for “National Center for
6 Advancing Translational Sciences”, \$36,000,000, to re-
7 main available until September 30, 2024, to prevent, pre-
8 pare for, and respond to coronavirus, domestically or
9 internationally: *Provided*, That such amount is designated
10 by the Congress as being for an emergency requirement
11 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
12 et and Emergency Deficit Control Act of 1985.

13 OFFICE OF THE DIRECTOR

14 For an additional amount for “Office of the Direc-
15 tor”, \$30,000,000, to remain available until September
16 30, 2024, to prevent, prepare for, and respond to
17 coronavirus, domestically or internationally: *Provided*,
18 That the funds provided under this heading in this Act
19 shall be available for the Common Fund established under
20 section 402A(e)(1) of the Public Health Service Act: *Pro-*
21 *vided further*, That such amount is designated by the Con-
22 gress as being for an emergency requirement pursuant to
23 section 251(b)(2)(A)(i) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

1 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

2 ADMINISTRATION

3 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

4 For an additional amount for “Health Surveillance
5 and Program Support”, \$435,000,000, to remain avail-
6 able until September 30, 2021, to prevent, prepare for,
7 and respond to coronavirus, for program support and
8 cross-cutting activities that supplement activities funded
9 under the headings “Mental Health”, “Substance Abuse
10 Treatment”, and “Substance Abuse Prevention” in car-
11 rying out titles III, V, and XIX of the Public Health Serv-
12 ice Act (“PHS Act”): *Provided*, That \$200,000,000 of the
13 funds made available under this heading in this Act shall
14 be for grants to communities and community organiza-
15 tions who meet criteria for Certified Community Behav-
16 ioral Health Clinics pursuant to section 223(a) of Public
17 Law 113–93: *Provided further*, That \$60,000,000 of the
18 funds made available under this heading in this Act shall
19 be for services to the homeless population: *Provided fur-*
20 *ther*, That \$10,000,000 of the funds made available under
21 this heading in this Act shall be for the National Child
22 Traumatic Stress Network: *Provided further*, That not less
23 than \$50,000,000 of the funds made available under this
24 heading in this Act shall be for suicide prevention pro-
25 grams: *Provided further*, That not less than \$100,000,000

1 of the amount made available under this heading in this
2 Act is available for State Emergency Response Grants au-
3 thorized under section 501(o) of the PHS Act: *Provided*
4 *further*, That not less than \$15,000,000 of the amount
5 made available under this heading in this Act shall be allo-
6 cated to tribes, tribal organizations, urban Indian health
7 organizations, or health or behavioral health service pro-
8 viders to tribes: *Provided further*, That such amount is
9 designated by the Congress as being for an emergency re-
10 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985.

12 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

13 For an additional amount for “Healthcare Research
14 and Quality”, \$80,000,000, to remain available until Sep-
15 tember 30, 2024, to prevent, prepare for, and respond to
16 coronavirus, to carry out titles III and IX of the Public
17 Health Service Act, part A of title XI of the Social Secu-
18 rity Act, and section 1013 of the Medicare Prescription
19 Drug, Improvement, and Modernization Act of 2003: *Pro-*
20 *vided*, That section 947(c) of the Public Health Service
21 Act shall not apply to funds made available under this
22 heading in this Act: *Provided further*, That such amount
23 is designated by the Congress as being for an emergency
24 requirement pursuant to section 251(b)(2)(A)(i) of the

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

3 CENTERS FOR MEDICARE & MEDICAID SERVICES

4 PROGRAM MANAGEMENT

5 For an additional amount for “Program Manage-
6 ment”, \$550,000,000, to remain available until September
7 30, 2022 to prevent, prepare for, and respond to
8 coronavirus, of which \$100,000,000 shall be for necessary
9 expenses of the survey and certification program,
10 prioritizing nursing home facilities in localities with com-
11 munity transmission of coronavirus: *Provided*, That such
12 amount is designated by the Congress as being for an
13 emergency requirement pursuant to section
14 251(b)(2)(A)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985.

16 ADMINISTRATION FOR CHILDREN AND FAMILIES

17 LOW INCOME HOME ENERGY ASSISTANCE

18 For an additional amount for “Low Income Home
19 Energy Assistance”, \$1,400,000,000, to remain available
20 until September 30, 2021, for making payments under
21 subsection (b) of section 2602 of the Low-Income Home
22 Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.):
23 *Provided*, That of the amount provided under this heading
24 in this Act, \$700,000,000 shall be allocated as though the
25 total appropriation for such payments for fiscal year 2020

1 was less than \$1,975,000,000: *Provided further*, That sec-
2 tion 2607(b)(2)(B) of such Act (42 U.S.C. 8626(b)(2)(B))
3 shall not apply to funds made available under this heading
4 in this Act: *Provided further*, That such amount is des-
5 ignated by the Congress as being for an emergency re-
6 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985.

8 PAYMENTS TO STATES FOR THE CHILD CARE AND
9 DEVELOPMENT BLOCK GRANT

10 For an additional amount for “Payments to States
11 for the Child Care and Development Block Grant”,
12 \$4,000,000,000, to remain available until September 30,
13 2021, to prevent, prepare for, and respond to coronavirus,
14 including for Federal administrative expenses, which shall
15 be used to supplement, not supplant State, Territory, and
16 Tribal general revenue funds for child care assistance for
17 low-income families without regard to requirements in sec-
18 tion 658E(c)(3)(D), section 658E(c)(3)(E), section
19 658G(a), or section 658G(c) of the Child Care and Devel-
20 opment Block Grant Act (“CCDBG Act”): *Provided*, That
21 funds made available under this heading in this Act may
22 also be used for costs of waiving family copayments and
23 covering costs typically paid through family copayments,
24 continued payments and assistance to child care providers
25 in cases of decreased enrollment, child absences, or pro-

1 vider closures related to coronavirus, and to ensure child
2 care providers are able to remain open or reopen as appro-
3 priate and applicable: *Provided further*, That States, Ter-
4 ritories, and Tribes are encouraged to place conditions on
5 payments to child care providers that ensure that child
6 care providers use a portion of funds received to continue
7 to pay the salaries and wages of staff: *Provided further*,
8 That such funds may be used for mobilizing emergency
9 child care services, for providing temporary assistance to
10 eligible child care providers to support costs associated
11 with coronavirus, and for supporting child care resource
12 and referral services: *Provided further*, That States, Terri-
13 tories, and Tribes are authorized to use funds appro-
14 priated under this heading to provide child care assistance
15 to health care sector employees, emergency responders,
16 sanitation workers, and other workers deemed essential
17 during the response to coronavirus by public officials,
18 without regard to the income eligibility requirements of
19 section 658P(4) of the CCDBG Act: *Provided further*,
20 That the Secretary shall remind States that CCDBG State
21 plans do not need to be amended prior to utilizing existing
22 authorities in the CCDBG Act for the purposes provided
23 herein: *Provided further*, That funds appropriated under
24 this heading in this Act shall be available to eligible child
25 care providers under section 658P(6) of the CCDBG Act,

1 even if such providers were not receiving CCDBG assist-
2 ance prior to the public health emergency as a result of
3 the coronavirus, for the purposes of cleaning and sanita-
4 tion, and other activities necessary to maintain or resume
5 the operation of programs: *Provided further*, That obliga-
6 tions incurred for the purposes provided herein prior to
7 the date of enactment of this Act may be charged to funds
8 appropriated under this heading in this Act: *Provided fur-*
9 *ther*, That such amount is designated by the Congress as
10 being for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 CHILDREN AND FAMILIES SERVICES PROGRAMS

14 For an additional amount for “Children and Families
15 Services Programs”, \$4,302,000,000, to remain available
16 until September 30, 2021, which shall be used as follows:

17 (1) \$1,000,000,000 for making payments under
18 the Head Start Act to be allocated in an amount
19 that bears the same ratio to such portion as the
20 number of enrolled children served by the agency in-
21 volved bears to the number of enrolled children by
22 all Head Start agencies: *Provided*, That none of the
23 funds appropriated in this paragraph shall be in-
24 cluded in the calculation of the “base grant” in sub-
25 sequent fiscal years, as such term is defined in sec-

1 tions 640(a)(7)(A), 641A(h)(1)(B), or 645(d)(3) of
2 the Head Start Act: *Provided further*, That funds
3 appropriated in this paragraph are not subject to
4 the allocation requirements of section 640(a) of the
5 Head Start Act and in addition to allowable uses of
6 fund in 45 CFR 1301–1305, shall be allowable for
7 developing and implementing procedures and sys-
8 tems to improve the coordination, preparedness and
9 response efforts with State, local, tribal, an terri-
10 torial public health departments, and other relevant
11 agencies; cost of meals and snacks not reimbursed
12 by the Secretary of Agriculture; mental health serv-
13 ices and supports; mental health crisis response and
14 intervention services; training and professional devel-
15 opment for staff on infectious disease management;
16 purchasing necessary supplies and contracted serv-
17 ices to sanitize and clean facilities and vehicles, if
18 applicable; and other costs that are necessary to
19 maintain and resume the operation of programs,
20 such as substitute staff, technology infrastructure,
21 or other emergency assistance; *Provided further*,
22 That up to \$600,000,000 shall be available for the
23 purpose of operating supplemental summer pro-
24 grams through non-competitive grant supplements to
25 existing grantees determined to be most ready to op-

1 erate those programs by the Office of Head Start:
2 *Provided further*, That not more than \$15,000,000
3 shall be available for Federal administrative ex-
4 penses and shall remain available through Sep-
5 tember 30, 2021: *Provided further*, That obligations
6 incurred for the purposes provided herein prior to
7 the date of enactment of this subdivision may be
8 charged to funds appropriated under this heading.

9 (2) \$2,500,000,000 for activities to carry out
10 the Community Services Block Grant Act: *Provided*,
11 That of the amount made available in this para-
12 graph in this Act, \$50,000,000 shall be available for
13 Statewide activities in accordance with section
14 675C(b)(1) of such Act: *Provided further*, That of
15 the amount made available in this paragraph in this
16 Act, \$25,000,000 shall be available for grants to
17 support the procurement and distribution of diapers
18 through non-profit organizations: *Provided further*,
19 That of the amount made available in this para-
20 graph in this Act, \$25,000,000 shall be available for
21 administrative expenses in accordance with section
22 675C(b)(2) of such Act: *Provided further*, That each
23 State, territory, or tribe shall allocate not less than
24 xx percent of its formula award to non-profit organi-
25 zations: *Provided further*, That for services furnished

1 under such Act during fiscal years 2020 and 2021,
2 States may apply the last sentence of section 673(2)
3 of such Act by substituting “200 percent” for “125
4 percent”.

5 (3) \$2,000,000, for the National Domestic Vio-
6 lence Hotline as authorized by Section 303(b) of the
7 Family Violence Prevention and Services Act: *Pro-*
8 *vided*, That the Secretary may use amounts made
9 available in the preceding proviso for providing hot-
10 line services remotely.

11 (4) \$100,000,000 for Family Violence Preven-
12 tion and Services formula grants as authorized by
13 Section 303(a) of the Family Violence and Preven-
14 tion and Services Act; *Provided*, That the Secretary
15 may use amounts made available in the preceding
16 proviso for providing temporary housing and in-per-
17 son assistance to victims of family, domestic, and
18 dating violence: *Provided further*, That for funds ob-
19 ligated during the period of any public health emer-
20 gency declared under section 319 of the Public
21 Health Service Act with respect to coronavirus, the
22 Secretary may waive such statutory and regulatory
23 program requirements as the Secretary determines
24 appropriate to respond to the public health emer-

1 agency, including the matching funds requirement in
2 section 306(c)(4) of such Act.

3 (5) \$100,000,000 for carrying out activities
4 under the Runaway and Homeless Youth Act: *Pro-*
5 *vided*, That amounts made available in the preceding
6 proviso shall be used to supplement, not supplant,
7 existing funds and shall be available without regard
8 to matching requirements.

9 (6) \$1,500,000,000 for necessary expenses for
10 grants for assisting low-income households, as de-
11 fined by the grantee, in paying their water and
12 wastewater utility costs: *Provided*, That eligible
13 grantees shall be those identified in section 2003 of
14 the Social Security Act, and funds appropriated in
15 this paragraph shall be allocated among such enti-
16 ties proportionately to the size of the allotment to
17 each such entity under such section;

18 *Provided further*, That such amount is designated by the
19 Congress as being for an emergency requirement pursuant
20 to section 251(b)(2)(A)(i) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

22 ADMINISTRATION FOR COMMUNITY LIVING

23 AGING AND DISABILITY SERVICES PROGRAMS

24 For an additional amount for “Aging and Disability
25 Services Programs”, \$1,205,000,000, to remain available

1 until September 30, 2021, to prevent, prepare for, and re-
2 spond to coronavirus: *Provided*, That of the amount made
3 available under this heading in this Act, \$1,070,000,000
4 shall be for activities authorized under the Older Ameri-
5 cans Act of 1965 (“OAA”), including \$200,000,000 for
6 supportive services under part B of title III; \$720,000,000
7 for nutrition services under subparts 1 and 2 of part C
8 of title III; \$30,000,000 for nutrition services under title
9 VI; \$100,000,000 for support services for family care-
10 givers under part E of title III; and \$20,000,000 for elder
11 rights protection activities, including the long-term om-
12 budsman program under title VII of such Act: *Provided*
13 *further*, That of the amount made available under this
14 heading in this Act, \$50,000,000 shall be for aging and
15 disability resource centers authorized in sections 202(b)
16 and 411 of the OAA: *Provided further*, That of the amount
17 made available under this heading in this Act,
18 \$85,000,000 shall be available for centers for independent
19 living that have received grants funded under part C of
20 chapter I of title VII of the Rehabilitation Act of 1973:
21 *Provided further*, That to facilitate State use of funds pro-
22 vided under this heading in this Act, matching require-
23 ments under sections 304(d)(1)(D) and 373(g)(2) of the
24 OAA shall not apply to funds made available under this
25 heading: *Provided further*, That the transfer authority

1 under section 308(b)(4)(A) of the OAA shall apply to
2 funds made available under this heading in this Act by
3 substituting “100 percent” for “40 percent”: *Provided*
4 *further*, That the State Long-Term Care Ombudsman
5 shall have continuing direct access (or other access
6 through the use of technology) to residents of long-term
7 care facilities, during any portion of the public health
8 emergency relating to coronavirus as of the date of enact-
9 ment of this Act and ending on September 30, 2020, to
10 provide services described in section 712(a)(3)(B) of the
11 OAA: *Provided further*, That such amount is designated
12 by the Congress as being for an emergency requirement
13 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
14 et and Emergency Deficit Control Act of 1985.

15

OFFICE OF THE SECRETARY

16

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

17

FUND

18

19 For an additional amount for “Public Health and So-
20 cial Services Emergency Fund”, \$6,077,000,000, to re-
21 main available until September 30, 2024, to prevent, pre-
22 pare for, and respond to coronavirus, domestically or
23 internationally, including the development of necessary
24 countermeasures and vaccines, prioritizing platform-based
25 technologies with U.S.-based manufacturing capabilities,
the purchase of vaccines, therapeutics, diagnostics, and

1 necessary medical supplies, as well as medical surge capac-
2 ity, workforce modernization, enhancements to the U.S.
3 Commissioned Corps, telehealth access and infrastructure,
4 initial advanced manufacturing, and related administra-
5 tive activities: *Provided*, That no less than \$1,000,000,000
6 shall be dedicated to the development, translation and
7 demonstration at scale of innovations in manufacturing
8 platforms to support vitally necessary medical counter-
9 measures to support a reliable U.S.-sourced supply chain
10 of: (a) vaccines, (b) therapeutics, (c) small molecule APIs
11 (active pharmaceutical ingredients), including construc-
12 tion costs: *Provided further*, That the Secretary of Health
13 and Human Services shall purchase vaccines developed
14 using funds made available under this heading in this Act
15 to respond to an outbreak or pandemic related to
16 coronavirus in quantities determined by the Secretary to
17 be adequate to address the public health need: *Provided*
18 *further*, That products purchased by the Federal govern-
19 ment with funds made available under this heading, in-
20 cluding vaccines, therapeutics, and diagnostics, shall be
21 purchased in accordance with Federal Acquisition Regula-
22 tion guidance on fair and reasonable pricing: *Provided fur-*
23 *ther*, That the Secretary may take such measures author-
24 ized under current law to ensure that vaccines, thera-
25 peutics, and diagnostics developed from funds provided in

1 this Act will be affordable in the commercial market *Pro-*
2 *vided further*, That in carrying out the preceding proviso,
3 the Secretary shall not take actions that delay the develop-
4 ment of such products: Provided further, That products
5 purchased with funds appropriated in this paragraph may,
6 at the discretion of the Secretary of Health and Human
7 Services, be deposited in the Strategic National Stockpile
8 under section 319F–2 of the Public Health Service Act
9 (“PHS Act”): *Provided further*, That funds appropriated
10 under this heading in this Act may be transferred to, and
11 merged with, the fund authorized by section 319F–4, the
12 Covered Countermeasure Process Fund, of the PHS Act:
13 *Provided further*, That funds appropriated under this
14 heading in this Act may be used for grants for the con-
15 struction, alteration, or renovation of non-Federally owned
16 facilities to improve preparedness and response capability
17 at the State and local level: *Provided further*, That funds
18 appropriated under this heading in this Act may be used
19 for the construction, alteration, or renovation of non-Fed-
20 erally owned facilities for the production of vaccines,
21 therapeutics, and diagnostics where the Secretary deter-
22 mines that such a contract is necessary to secure sufficient
23 amounts of such supplies: *Provided further*, That of the
24 amount provided under this heading in this Act,
25 \$1,635,000,000 shall be for expenses necessary to carry

1 out section 319F–2(a) of the PHS Act: *Provided further*,
2 That of the amount provided under this heading in this
3 Act, not less than \$500,000,000 shall be available to the
4 Biomedical Advanced Research and Development Author-
5 ity for acquisition, construction, or renovation of privately
6 owned U.S.-based next generation manufacturing facili-
7 ties: *Provided further*, That not later than seven days after
8 the date of enactment of this Act, and weekly thereafter
9 until [insert end date], the Secretary shall report to the
10 Committees on Appropriations of the House of Represent-
11 atives and the Senate on the current inventory of personal
12 protective equipment in the Strategic National Stockpile,
13 including the numbers of face shields, gloves, goggles and
14 glasses, gowns, head covers, masks, and respirators, as
15 well as deployment of personal protective equipment dur-
16 ing the previous week, reported by state and other juris-
17 diction: *Provided further*, That after the date that a report
18 is required to be submitted pursuant to the preceding pro-
19 viso, amounts made available for “Department of Health
20 and Human Services—Office of the Secretary—General
21 Departmental Management” in Public Law 116–94 for
22 salaries and expenses of the Immediate Office of the Sec-
23 retary shall be reduced by \$250,000 for each day that
24 such report has not been submitted: *Provided further*,
25 That such amount is designated by the Congress as being

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

4 For an additional amount for “Public Health and So-
5 cial Services Emergency Fund”, \$100,000,000,000, to re-
6 main available until expended, to prevent, prepare for, and
7 respond to coronavirus, to provide grants to public enti-
8 ties, not-for-profit entities, and Medicare and Medicaid en-
9 rolled suppliers and institutional providers, including for-
10 profit entities to reimburse for health care related ex-
11 penses or lost revenues directly attributable to the public
12 health emergency resulting from the coronavirus: *Pro-*
13 *vided*, That grants shall be awarded in coordination with
14 the Administrator of the Centers for Medicare & Medicaid
15 Services: Provided further, That funds under this para-
16 graph shall not be used to provide grants to reimburse
17 for health care related expenses or lost revenues that have
18 been reimbursed or are eligible for reimbursement from
19 other sources: *Provided further*, That such amount is des-
20 ignated by the Congress as being for an emergency re-
21 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
22 anced Budget and Emergency Deficit Control Act of 1985.

23 For an additional amount for “Public Health and So-
24 cial Services Emergency Fund”, \$4,500,000,000, to re-
25 main available until September 30, 2022, to prevent, pre-

1 pare for, and respond to coronavirus, to reimburse the De-
2 partment of Veterans Affairs for expenses incurred by the
3 Veterans Affairs health care system to provide medical
4 care to civilians: *Provided*, That funds provided under this
5 paragraph shall be made available only if the Secretary
6 of Health and Human Services certifies to the Committees
7 on Appropriations of the House of Representatives and the
8 Senate that such funds are necessary to reimburse the De-
9 partment of Veterans Affairs for expenses incurred to pro-
10 vide health care to civilians: *Provided further*, That the
11 Secretary shall notify the Committees on Appropriations
12 of the House of Representatives and the Senate prior to
13 such certification: *Provided further*, That such amount is
14 designated by the Congress as being for an emergency re-
15 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
16 anced Budget and Emergency Deficit Control Act of 1985.

17 DEPARTMENT OF EDUCATION

18 STATE FISCAL STABILIZATION FUND

19 For an additional amount for “State Fiscal Stabiliza-
20 tion Fund”, \$30,000,000,000, to remain available until
21 September 30, 2022, to prevent, prepare for, and respond
22 to coronavirus: *Provided*, That the Secretary of Education
23 (referred to under this heading as “Secretary”) shall make
24 grants to the Governor of each State for support of ele-
25 mentary, secondary, and postsecondary education and, as

1 applicable, early childhood education programs and serv-
2 ices: *Provided further*, That of the amount made available,
3 the Secretary shall first allocate up to one-half of 1 per-
4 cent to the outlying areas and one-half of 1 percent to
5 the Bureau of Indian Education (BIE) for activities con-
6 sistent with this heading under such terms and conditions
7 as the Secretary may determine: *Provided further*, That
8 of the amount made available, the Secretary shall allocate
9 1 percent of funds to provide grants to States with the
10 highest coronavirus burden to support activities under this
11 heading: *Provided further*, That the Secretary shall issue
12 a notice inviting applications not later than 30 days of
13 enactment of this Act and approve or deny applications
14 not later than 30 days after receipt: *Provided further*, That
15 the Secretary may reserve up to \$30,000,000 for adminis-
16 tration and oversight of the activities under this heading:
17 *Provided further*, That the Secretary shall allocate 61 per-
18 cent of the remaining funds made available to carry out
19 this heading to the States on the basis of their relative
20 population of individuals aged 5 through 24 and allocate
21 39 percent on the basis of their relative number of children
22 counted under section 1124(c) of the Elementary and Sec-
23 ondary Education Act of 1965 (referred to under this
24 heading as “ESEA”) as State grants: *Provided further*,
25 That State grants shall support statewide elementary, sec-

1 onday, and postsecondary activities; subgrants to local
2 educational agencies; and, subgrants to public institutions
3 of higher education: *Provided further*, That States shall
4 allocate not less than 30 percent of the funds received
5 under the sixth proviso as subgrants to local educational
6 agencies on the basis of their relative number of children
7 counted under section 1124(c) of the ESEA: *Provided fur-*
8 *ther*, That States shall allocate not less than 30 percent
9 of the funds received under the sixth proviso as subgrants
10 to public institutions of higher education on the basis of
11 the relative share of full-time equivalent students who re-
12 ceived Pell Grants at the institution in the previous award
13 year and of the total enrollment of full-time equivalent stu-
14 dents at the institution in the previous award year: *Pro-*
15 *vided further*, That the Governor shall return to the Sec-
16 retary any funds received that the Governor does not
17 award to local educational agencies and public institutions
18 of higher education or otherwise commit within two years
19 of receiving such funds, and the Secretary shall reallocate
20 such funds to the remaining States in accordance with the
21 sixth proviso: *Provided further*, That Governors shall use
22 State grants to maintain or restore State fiscal support
23 for elementary, secondary and postsecondary education:
24 *Provided further*, That funds for local educational agencies
25 may be used for any activity authorized by the ESEA, the

1 Individuals with Disabilities Education Act, the McKin-
2 ney-Vento Homeless Assistance Act (Title VII, Subpart
3 B), the Adult Education and Family Literacy Act or the
4 Carl D. Perkins Career and Technical Education Act of
5 2006 (“the Perkins Act”): *Provided further*, That a State
6 or local educational agency receiving funds under this
7 heading may use the funds for activities coordinated with
8 State, local, tribal, and territorial public health depart-
9 ments to detect, prevent, or mitigate the spread of infec-
10 tious disease or otherwise respond to coronavirus; support
11 online learning by purchasing educational technology and
12 internet access for students, which may include assistive
13 technology or adaptive equipment, that aids in regular and
14 substantive educational interactions between students and
15 their classroom instructor; provide ongoing professional
16 development to staff in how to effectively provide quality
17 online academic instruction; provide assistance for chil-
18 dren and families to promote equitable participation in
19 quality online learning; plan and implement activities re-
20 lated to summer learning, including providing classroom
21 instruction or quality online learning during the summer
22 months; plan for and coordinate during long-term clo-
23 sures, provide technology for quality online learning to all
24 students, and how to support the needs of low-income stu-
25 dents, racial and ethnic minorities, students with disabil-

ities, English learners, students experiencing homelessness, and children in foster care, including how to address learning gaps that are created or exacerbated due to long-term closures; and other activities that are necessary to maintain the operation of and continuity of services in local educational agencies, including maintaining employment of existing personnel: *Provided further*, That a public institution of higher education that receives funds under this heading shall use funds for education and general expenditures and grants to students for expenses directly related to coronavirus and the disruption of campus operations (which may include emergency financial aid to students for food, housing, technology, health care, and child care costs that shall not be required to be repaid by such students) or for the acquisition of technology and services directly related to the need for distance learning and the training of faculty and staff to use such technology and services (which shall not include paying contractors a portion of tuition revenue or for pre-enrollment recruitment activities): *Provided further*, That priority shall be given to under-resourced institutions, institutions with high burden due to the coronavirus, and institutions who do not possess distance education capabilities at the time of enactment of this Act: *Provided further*, That an institution of higher education may not use funds received under this

1 heading to increase its endowment or provide funding for
2 capital outlays associated with facilities related to ath-
3 letics, sectarian instruction, or religious worship: *Provided*
4 *further*, That funds may be used to support hourly work-
5 ers, such as education support professionals, classified
6 school employees, and adjunct and contingent faculty: *Pro-*
7 *vided further*, That a Governor of a State desiring to re-
8 ceive an allocation under this heading shall submit an ap-
9 plication at such time, in such manner, and containing
10 such information as the Secretary may reasonably require:
11 *Provided further*, That a State's application shall include
12 assurances that the State will maintain support for ele-
13 mentary and secondary education in fiscal year 2020, fis-
14 cal year 2021, and fiscal year 2022 at least at the level
15 of such support that is the average of such State's support
16 for elementary and secondary education in the 3 fiscal
17 years preceding the date of enactment of this Act: *Pro-*
18 *vided further*, That a State's application shall include as-
19 surances that the State will maintain State support for
20 higher education (not including support for capital
21 projects or for research and development or tuition and
22 fees paid by students) in fiscal year 2020, fiscal year
23 2021, and fiscal year 2022 at least at the level of such
24 support that is the average of such State's support for
25 higher education (which shall include State and local gov-

1 ernment funding to institutions of higher education and
2 state need-based financial aid) in the 3 fiscal years pre-
3 ceding the date of enactment of this Act: *Provided further*,
4 That in such application, the Governor shall provide base-
5 line data that demonstrates the State's current status in
6 each of the areas described in such assurances in the pre-
7 ceding provisos: *Provided further*, That a State's applica-
8 tion shall include assurances that the State will not con-
9 strue any provisions under this heading as displacing any
10 otherwise applicable provision of any collective-bargaining
11 agreement between an eligible entity and a labor organiza-
12 tion as defined by section 2(5) of the National Labor Rela-
13 tions Act (29 U.S.C. 152(5)) or analogous State law: *Pro-*
14 *vided further*, That a State's application shall include as-
15 surances that the State shall maintain the wages, benefits,
16 and other terms and conditions of employment set forth
17 in any collective-bargaining agreement between the eligible
18 entity and a labor organization, as defined in the pre-
19 ceding proviso: *Provided further*, That a State receiving
20 funds under this heading shall submit a report to the Sec-
21 retary, at such time and in such manner as the Secretary
22 may require, that describes the use of funds provided
23 under this heading: *Provided further*, That no recipient of
24 funds under this heading shall use funds to provide finan-
25 cial assistance to students to attend private elementary or

1 secondary schools, unless such funds are used to provide
2 special education and related services to children with dis-
3 abilities, as authorized by the Individuals with Disabilities
4 Education Act: *Provided further*, That the terms “elemen-
5 tary education” and “secondary education” have the
6 meaning given such terms under State law: *Provided fur-*
7 *ther*, That the term “institution of higher education” has
8 the meaning given such term in section 101 of the Higher
9 Education Act of 1965: *Provided further*, That the term
10 “fiscal year” shall have the meaning given such term
11 under State law: *Provided further*, That such amount is
12 designated by the Congress as being for an emergency re-
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985.

15 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

16 For an additional amount for “Safe Schools and Citi-
17 zenship Education”, to supplement funds otherwise avail-
18 able for the “Project School Emergency Response to Vio-
19 lence program”, \$200,000,000, to remain available until
20 September 30, 2020, to prevent, prepare for, and respond
21 to coronavirus, including to help elementary, secondary
22 and postsecondary schools clean and disinfect affected
23 schools, and assist in counseling and distance learning and
24 associated costs: *Provided*, That such amount is des-
25 ignated by the Congress as being for an emergency re-

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

3 GALLAUDET UNIVERSITY

4 For an additional amount for “Gallaudet University”,
5 \$7,000,000, to remain available until September 30, 2020,
6 to prevent, prepare for, and respond to coronavirus, in-
7 cluding to help defray the expenses (which may include
8 lost revenue, reimbursement for expenses already in-
9 curred, technology costs associated with a transition to
10 distance learning, faculty and staff trainings, and payroll)
11 directly caused by coronavirus and to enable grants to stu-
12 dents for expenses directly related to coronavirus and the
13 disruption of university operations (which may include
14 food, housing, transportation, technology, health care, and
15 child care): *Provided*, That such amount is designated by
16 the Congress as being for an emergency requirement pur-
17 suant to section 251(b)(2)(A)(i) of the Balanced Budget
18 and Emergency Deficit Control Act of 1985.

19 STUDENT AID ADMINISTRATION

20 For an additional amount for “Student Aid Adminis-
21 tration”, \$75,000,000, to remain available until Sep-
22 tember 30, 2020, to prevent, prepare for, and respond to
23 coronavirus in carrying out part D of title I, and subparts
24 1, 3, 9 and 10 of part A, and parts B, C, D, and E of
25 title IV of the HEA, and subpart 1 of part A of title VII

1 of the Public Health Service Act to support essential serv-
2 ices directly related to coronavirus: *Provided*, That not
3 later than 30 days after the date of enactment of this Act,
4 the Secretary shall, using outbound communications, pro-
5 vide all Federal student loan borrowers a notice of their
6 options to lower or delay payments as a result of the
7 coronavirus by enrolling in income-driven repayment,
8 deferment, or forbearance, and including a brief descrip-
9 tion of such options: *Provided further*, That such amount
10 is designated by the Congress as being for an emergency
11 requirement pursuant to section 251(b)(2)(A)(i) of the
12 Balanced Budget and Emergency Deficit Control Act of
13 1985.

14 HIGHER EDUCATION

15 For an additional amount for “Higher Education”,
16 \$9,500,000,000, to remain available until September 30,
17 2020, to prevent, prepare for, and respond to coronavirus,
18 including under parts A and B of title III, part A of title
19 V, subpart 4 of part A of title VII, and part B of title
20 VII of the Higher Education Act, which may be used to
21 defray expenses (including lost revenue, reimbursement
22 for expenses already incurred, technology costs associated
23 with a transition to distance education, faculty and staff
24 trainings, and payroll) incurred by institutions of higher
25 education and for grants to students for any component

1 of the student's cost of attendance (as defined under sec-
2 tion 472 of the Higher Education Act), including food,
3 housing, course materials, technology, health care, and
4 child care as follows:

5 (1) \$1,500,000,000 for parts A and B of title
6 III, part A of title V, and subpart 4 of part A of
7 title VII to address needs directly related to
8 coronavirus: *Provided*, That the Secretary of Edu-
9 cation shall allow institutions to use prior awards
10 under the authorities covered by the preceding pro-
11 viso to prevent, prepare for, and respond to
12 coronavirus;

13 (2) \$8,000,000,000 for part B of title VII of
14 the Higher Education Act for institutions of higher
15 education (as defined in section 101 or 102(c) of the
16 Higher Education Act) to address needs directly re-
17 lated to coronavirus: *Provided*, That such funds shall
18 be available to the Secretary only for payments to
19 help defray the expenses incurred by such institu-
20 tions of higher education that were forced to close
21 campuses or alter delivery of instruction as a result
22 of coronavirus: *Provided further*, That any non-prof-
23 it, private institution of higher education that is not
24 otherwise eligible for a grant of at least \$1,000,000,
25 shall be eligible to receive an amount equal to which-

1 ever is lesser of the total loss of revenue and in-
2 creased costs associated with the coronavirus or
3 \$1,000,000: *Provided further*, That, notwithstanding
4 sections 484 and 741(d)(1) of the Higher Education
5 Act, funds may be used to make payments to such
6 institutions to provide emergency grants to students
7 who attend such institutions for academic years be-
8 ginning on or after July 1, 2019:

9 *Provided further*, That such payments shall be made in
10 accordance with criteria established by the Secretary and
11 made publicly available without regard to section 437 of
12 the General Education Provisions Act, section 553 of title

13 5, United States Code, or part B of title VII of the HEA:

14 *Provided further*, That institutions receiving funds under
15 the heading State Fiscal Stabilization Fund (not including
16 amounts provided through state-based financial aid) shall
17 not be eligible for additional funding for part B of title
18 VII under this heading: *Provided further*, That such pay-
19 ments shall not be used to increase endowments or provide
20 funding for capital outlays associated with facilities re-
21 lated to athletics, sectarian instruction, or religious wor-
22 ship: *Provided further*, That such amounts is designated
23 by the Congress as being for an emergency requirement
24 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
25 et and Emergency Deficit Control Act of 1985.

1 is designated by the Congress as being for an emergency
2 requirement pursuant to section 251(b)(2)(A)(i) of the
3 Balanced Budget and Emergency Deficit Control Act of
4 1985.

5 OFFICE OF THE INSPECTOR GENERAL

6 For an additional amount for the “Office of Inspector
7 General”, \$11,000,000, to remain available until Sep-
8 tember 30, 2022, to prevent, prepare for, and respond to
9 coronavirus, including for salaries and expenses necessary
10 for oversight and audit of programs, grants, and projects
11 funded in this Act to respond to coronavirus *Provided*,
12 That such amount is designated by the Congress as being
13 for an emergency requirement pursuant to section
14 251(b)(2)(A)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985.

16 RELATED AGENCIES

17 CORPORATION FOR NATIONAL AND COMMUNITY
18 SERVICE

19 For an additional amount for the “Corporation for
20 National and Community Service”, \$250,000,000, to re-
21 main available until September 30, 2020, to prevent, pre-
22 pare for, and respond to coronavirus: *Provided*, That such
23 amount is designated by the Congress as being for an
24 emergency requirement pursuant to section

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

3 ADMINISTRATIVE PROVISION—CORPORATION FOR
4 NATIONAL AND COMMUNITY SERVICE

5 SEC. 10801. (a)(1) The remaining unobligated bal-
6 ances of funds as of September 30, 2020, from amounts
7 provided to “Corporation for National and Community
8 Service—Operating Expenses” in title IV of Division A
9 of the Further Consolidated Appropriations Act, 2020
10 (Public Law 116–94), are hereby permanently rescinded.

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

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

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

10 (c)(1) The remaining unobligated balances of funds
11 as of September 30, 2020, from amounts provided to
12 “Corporation for National and Community Service—Of-
13 fice of Inspector General” in title IV of Division A of the
14 Further Consolidated Appropriations Act, 2020 (Public
15 Law 116–94), are hereby permanently rescinded.

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

1 CORPORATION FOR PUBLIC BROADCASTING

2 For an additional amount for “Corporation for Public
3 Broadcasting”, \$300,000,000, to remain available until
4 September 30, 2020, to prevent, prepare for, and respond
5 to coronavirus, including for fiscal stabilization grants to
6 public telecommunications entities, with no deduction for
7 administrative or other costs of the Corporation, to main-
8 tain programming and services and preserve small and
9 rural stations threatened by declines in non-Federal reve-
10 nues, of which \$50,000,000 shall be used to support the
11 public television system: *Provided* , That such amount is
12 designated by the Congress as being for an emergency re-
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985.

15 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

16 For an additional amount for “Institute of Museum
17 and Library Services”, \$500,000,000, to remain available
18 until September 30, 2021, to prevent, prepare for, and re-
19 spond to coronavirus, including grants to States, muse-
20 ums, territories and tribes to expand digital network ac-
21 cess, purchase tablets and other internet-enabled devices,
22 for operational expenses, and provide technical support
23 services: *Provided*, That any matching funds requirements
24 for States, museums, or tribes are waived: *Provided fur-*
25 *ther*, That such amount is designated by the Congress as

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

4 RAILROAD RETIREMENT BOARD

5 LIMITATION ON ADMINISTRATION

6 For an additional amount for “Limitation on Admin-
7 istration”, \$10,000,000, to remain available until Sep-
8 tember 30, 2020, to prevent, prepare for, and respond to
9 coronavirus, including the purchase of information tech-
10 nology equipment to improve the mobility of the work-
11 force, and to provide for additional hiring or overtime
12 hours as needed to administer the Railroad Unemploy-
13 ment Insurance Act: *Provided*, That such amount is des-
14 ignated by the Congress as being for an emergency re-
15 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
16 anced Budget and Emergency Deficit Control Act of 1985.

17 SOCIAL SECURITY ADMINISTRATION

18 LIMITATION ON ADMINISTRATIVE EXPENSES

19 For an additional amount for “Limitation on Admin-
20 istrative Expenses”, \$510,000,000, to remain available
21 until September 30, 2021, for necessary expenses to pre-
22 vent, prepare for, and respond to coronavirus, including
23 paying the salaries and benefits of employees affected as
24 a result of office closures, telework, phone and commu-
25 nication services for employees, overtime costs, and sup-

1 plies, and for resources necessary for processing disability
2 and retirement workloads and backlogs, of which the
3 amount made available under this heading in this Act,
4 \$210,000,000 shall be for the purposes of issuing emer-
5 gency assistance payments: *Provided further*, That such
6 amount is designated by the Congress as being for an
7 emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 GENERAL PROVISIONS—THIS TITLE

11 SEC. 10802. Notwithstanding any other provision of
12 law, funds made available under each heading in this title
13 shall only be used for the purposes specifically described
14 under that heading.

15 SEC. 10803. (a) Funds appropriated in this title may
16 be made available to restore amounts, either directly or
17 through reimbursement, for obligations incurred by agen-
18 cies of the Department of Health and Human Services to
19 prevent, prepare for, and respond to coronavirus, domesti-
20 cally or internationally, prior to the date of enactment of
21 this Act. This subsection shall not apply to obligations in-
22 curred by the Infectious Diseases Rapid Response Reserve
23 Fund.

24 (b) Grants or cooperative agreements with States, lo-
25 calities, territories, tribes, tribal organizations, urban In-

1 dian health organizations, or health service providers to
2 tribes, under this title, to carry out surveillance, epidemi-
3 ology, laboratory capacity, infection control, mitigation,
4 communications, and other preparedness and response ac-
5 tivities to prevent, prepare for, and respond to coronavirus
6 shall include amounts to reimburse costs for these pur-
7 poses incurred between January 20, 2020, and the date
8 of enactment of this Act.

9 SEC. 10804. Funds appropriated by this title may be
10 used by the Secretary of the Health and Human Services
11 to appoint, without regard to the provisions of sections
12 3309 through 3319 of title 5 of the United States Code,
13 candidates needed for positions to perform critical work
14 relating to coronavirus for which—

15 (1) public notice has been given; and

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

18 SEC. 10805. Funds made available by this title may
19 be used to enter into contracts with individuals for the
20 provision of personal services (as described in section 104
21 of part 37 of title 48, Code of Federal Regulations (48
22 CFR 37.104)) to support the prevention of, preparation
23 for, or response to coronavirus, domestically and inter-
24 nationally, subject to prior notification to the Committees
25 on Appropriations of the House of Representatives and the

1 Senate: Provided, That such individuals may not be
2 deemed employees of the United States for the purpose
3 of any law administered by the Office of Personnel Man-
4 agement: Provided further, That the authority made avail-
5 able pursuant to this section shall expire on September
6 30, 2024.

7 SEC. 10806. Of the funds appropriated by this title
8 under the heading “Public Health and Social Services
9 Emergency Fund”, \$4,000,000 shall be transferred to,
10 and merged with, funds made available under the heading
11 “Office of the Secretary, Office of Inspector General”, and
12 shall remain available until expended, for oversight of ac-
13 tivities supported with funds appropriated to the Depart-
14 ment of Health and Human Services in this Act: Provided,
15 That the Inspector General of the Department of Health
16 and Human Services shall consult with the Committees
17 on Appropriations of the House of Representatives and the
18 Senate prior to obligating such funds: Provided further,
19 That the transfer authority provided by this section is in
20 addition to any other transfer authority provided by law.

21 SEC. 10807. Of the funds provided under the heading
22 “CDC–Wide Activities and Program Support”,
23 \$1,000,000,000, to remain available until expended, shall
24 be available to the Director of the CDC for deposit in the
25 Infectious Diseases Rapid Response Reserve Fund estab-

1 lished by section 231 of division B of Public Law 115–
2 245.

3 SEC. 10808. (a) PREMIUM PAY AUTHORITY.—

4 If services performed by an employee of the Department
5 of Health and Human Services during fiscal year 2020
6 are determined by the head of the agency to be primarily
7 related to preparation, prevention, or response to SARS–
8 CoV–2 or another coronavirus with pandemic potential,
9 any premium pay for such services shall be disregarded
10 in calculating the aggregate of such employee’s basic pay
11 and premium pay for purposes of a limitation under sec-
12 tion 5547(a) of title 5, United States Code, or under any
13 other provision of law, whether such employee’s pay is
14 paid on a biweekly or calendar year basis.

15 (b) OVERTIME AUTHORITY.—Any overtime pay
16 for such services shall be disregarded in calculating any
17 annual limit on the amount of overtime pay payable in
18 a calendar or fiscal year.

19 (c) APPLICABILITY OF AGGREGATE LIMITA-
20 TION ON PAY.—With regard to such services, any pay
21 that is disregarded under either subsection (a) or (b) shall
22 be disregarded in calculating such employee’s aggregate
23 pay for purposes of the limitation in section 5307 of such
24 title 5.

25 (d) LIMITATION OF PAY AUTHORITY.—

1 (1) Pay that is disregarded under subsection
2 (a) or (b) shall not cause the aggregate of the em-
3 ployee’s basic pay and premium pay for the applica-
4 ble calendar year to exceed the rate of basic pay
5 payable for a position at level II of the Executive
6 Schedule under section 5313 of title 5, United
7 States Code, as in effect at the end of such calendar
8 year.

9 (2) For purposes of applying this subsection to
10 an employee who would otherwise be subject to the
11 premium pay limits established under section 5547
12 of title 5, United States Code, “premium pay”
13 means the premium pay paid under the provisions of
14 law cited in section 5547(a).

15 (3) For purposes of applying this subsection to
16 an employee under a premium pay limit established
17 under an authority other than section 5547 of title
18 5, United States Code, the agency responsible for
19 administering such limit shall determine what pay-
20 ments are considered premium pay.

21 (e) EFFECTIVE DATE.—This section shall take ef-
22 fect as if enacted on February 2, 2020.

23 (f) TREATMENT OF ADDITIONAL PAY.—If ap-
24 plication of this section results in the payment of addi-
25 tional premium pay to a covered employee of a type that

1 is normally creditable as basic pay for retirement or any
2 other purpose, that additional pay shall not—

3 (1) be considered to be basic pay of the covered
4 employee for any purpose; or

5 (2) be used in computing a lump-sum payment
6 to the covered employee for accumulated and ac-
7 crued annual leave under section 5551 or section
8 5552 of title 5, United States Code.

9 SEC. 10809. (a) Funds appropriated for “Depart-
10 ment of Health and Human Services—Centers for Disease
11 Control and Prevention—CDC—Wide Activities and Pro-
12 gram Support’ ” in title III of the Coronavirus Prepared-
13 ness and Response Supplemental Appropriations Act,
14 2020 (Public Law 116 - 123) shall be paid to “Depart-
15 ment of Homeland Security—Countering Weapons of
16 Mass Destruction Office—Federal Assistance” for costs
17 incurred under other transaction authority and related to
18 screening for coronavirus, domestically or internationally,
19 including costs incurred prior to the enactment of such
20 Act.

21 (b) The amounts repurposed under subsection (a)
22 that were previously designated by the Congress as an
23 emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985 are designated by the Con-

1 gress as an emergency requirement pursuant to such sec-
2 tion of such Act.

1 TITLE IX—LEGISLATIVE BRANCH

2 SENATE

3 CONTINGENT EXPENSES OF THE SENATE

4 SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

5 For an additional amount for “Sergeant at Arms and
6 Doorkeeper of the Senate”, \$1,000,000, to remain avail-
7 able until expended, to prevent, prepare for, and respond
8 to coronavirus: *Provided*, That such amount is designated
9 by the Congress as being for an emergency requirement
10 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
11 et and Emergency Deficit Control Act of 1985.

12 MISCELLANEOUS ITEMS

13 For an additional amount for “Miscellaneous Items”,
14 \$9,000,000, to remain available until expended, to pre-
15 vent, prepare for, and respond to coronavirus: *Provided*,
16 That such amount is designated by the Congress as being
17 for an emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 HOUSE OF REPRESENTATIVES

21 SALARIES AND EXPENSES

22 For an additional amount for “Salaries and Ex-
23 penses”, \$25,000,000, to remain available until September
24 30, 2021, except that \$5,000,000 shall remain available
25 until expended, for necessary expenses of the House of

1 Representatives to prevent, prepare for, and respond to
2 coronavirus, to be allocated in accordance with a spend
3 plan submitted to the Committee on Appropriations of the
4 House of Representatives by the Chief Administrative Of-
5 ficer and approved by such Committee: *Provided*, That
6 such amount is designated by the Congress as being for
7 an emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10

JOINT ITEMS

11

OFFICE OF THE ATTENDING PHYSICIAN

12 For an additional amount for “Office of the Attend-
13 ing Physician”, \$400,000, to remain available until ex-
14 pended, to prevent, prepare for, and respond to
15 coronavirus: *Provided*, That such amount is designated by
16 the Congress as being for an emergency requirement pur-
17 suant to section 251(b)(2)(A)(i) of the Balanced Budget
18 and Emergency Deficit Control Act of 1985.

19

CAPITOL POLICE

20

SALARIES

21 For an additional amount for “Salaries”,
22 \$12,000,000, to remain available until September 30,
23 2021, to prevent, prepare for, and respond to coronavirus:
24 *Provided*, That amounts provided in this paragraph may
25 be transferred between Capitol Police “Salaries” and

1 “General Expenses” for the purposes provided herein
2 without the approval requirement of section 1001 of the
3 Legislative Branch Appropriations Act, 2014 (2 U.S.C.
4 1907a): *Provided further*, That such amount is designated
5 by the Congress as being for an emergency requirement
6 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
7 et and Emergency Deficit Control Act of 1985.

8 ARCHITECT OF THE CAPITOL

9 CAPITAL CONSTRUCTION AND OPERATIONS

10 For an additional amount for “Capital Construction
11 and Operations”, \$25,000,000, to remain available until
12 September 30, 2021, for necessary expenses of the Archi-
13 tect of the Capitol to prevent, prepare for, and respond
14 to coronavirus, including the purchase and distribution of
15 cleaning and sanitation products throughout all facilities
16 and grounds under the care of the Architect of the Capitol,
17 wherever located, including any related services and oper-
18 ational costs: *Provided*, That such amount is designated
19 by the Congress as being for an emergency requirement
20 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
21 et and Emergency Deficit Control Act of 1985.

22 LIBRARY OF CONGRESS

23 SALARIES AND EXPENSES

24 For an additional amount for “Salaries and Ex-
25 penses”, \$700,000, to remain available until September

1 30, 2020, to be made available to the Little Scholars Child
2 Development Center, subject to approval by the Commit-
3 tees on Appropriations of the Senate and House of Rep-
4 resentatives, and the Senate Committee on Rules and Ad-
5 ministration, and the Committee on House Administra-
6 tion: *Provided*, That such amount is designated by the
7 Congress as being for an emergency requirement pursuant
8 to section 251(b)(2)(A)(i) of the Balanced Budget and
9 Emergency Deficit Control Act of 1985.

10 GOVERNMENT ACCOUNTABILITY OFFICE

11 SALARIES AND EXPENSES

12 For an additional amount for “Salaries and Ex-
13 penses”, \$20,000,000, to remain available until expended,
14 for audits and investigations relating to coronavirus: *Pro-*
15 *vided*, That, not later than 90 days after the date of enact-
16 ment of this Act, the Government Accountability Office
17 shall submit to the Committees on Appropriations of the
18 House of Representatives and the Senate a spend plan
19 specifying funding estimates and a timeline for such au-
20 dits and investigations: *Provided further*, That such
21 amount is designated by the Congress as being for an
22 emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 GENERAL PROVISIONS—THIS TITLE

2 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
3 AND EXPENSES OF SENATE EMPLOYEE CHILD CARE
4 CENTER

5 SEC. 10901. The Secretary of the Senate shall reim-
6 burse the Senate Employee Child Care Center for per-
7 sonnel costs incurred starting on April 1, 2020, for em-
8 ployees of such Center who have been ordered to cease
9 working due to measures taken in the Capitol complex to
10 combat coronavirus, not to exceed \$84,000 per month,
11 from amounts in the appropriations account “MIS-
12 CELLANEOUS ITEMS” within the contingent fund of
13 the Senate.

14 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
15 AND EXPENSES OF LITTLE SCHOLARS CHILD DEVEL-
16 OPMENT CENTER

17 SEC. 10902. The Library of Congress shall reimburse
18 Little Scholars Child Development Center for salaries for
19 employees incurred from April 1, 2020, to September 30,
20 2020, for employees of such Center who have been ordered
21 to cease working due to measures taken in the Capitol
22 complex to combat coronavirus, not to exceed \$113,000
23 per month, from amounts in the appropriations account
24 “Library of Congress—Salaries and Expenses”.

1 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
2 AND EXPENSES OF HOUSE OF REPRESENTATIVES
3 CHILD CARE CENTER

4 SEC. 10903. (a) AUTHORIZING USE OF REVOLVING
5 FUND OR APPROPRIATED FUNDS.—Section 312(d)(3)(A)
6 of the Legislative Branch Appropriations Act, 1992 (2
7 U.S.C. 2062(d)(3)(A)) is amended—

8 (1) in subparagraph (A), by striking the period
9 at the end and inserting the following: “, and, at the
10 option of the Chief Administrative Officer during an
11 emergency situation, the payment of the salary of
12 other employees of the Center.”; and

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

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

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

22 PAYMENTS TO ENSURE CONTINUING AVAILABILITY OF
23 GOODS AND SERVICES DURING THE CORONAVIRUS
24 EMERGENCY

25 SEC. 10904. (a) AUTHORIZATION TO MAKE PAY-
26 MENTS.—Notwithstanding any other provision of law and

1 subject to subsection (b), during an emergency situation,
2 the Chief Administrative Officer of the House of Rep-
3 resentatives may make payments under contracts with
4 vendors providing goods and services to the House in
5 amounts and under terms and conditions other than those
6 provided under the contract in order to ensure that those
7 goods and services remain available to the House through-
8 out the duration of the emergency.

9 (b) CONDITIONS.—

10 (1) APPROVAL REQUIRED.—The Chief Adminis-
11 trative Officer may not make payments under the
12 authority of subsection (a) without the approval of
13 the Committee on House Administration of the
14 House of Representatives.

15 (2) AVAILABILITY OF APPROPRIATIONS.—The
16 authority of the Chief Administrative Officer to
17 make payments under the authority of subsection
18 (a) is subject to the availability of appropriations to
19 make such payments.

20 (c) APPLICABILITY.—This section shall apply with re-
21 spect to fiscal year 2020 and each succeeding fiscal year.

22 AUTHORIZING PAYMENTS UNDER SERVICE CONTRACTS
23 DURING THE CORONAVIRUS EMERGENCY

24 SEC. 10905. (a) AUTHORIZING PAYMENTS.—Not-
25 withstanding section 3324(a) of title 31, United States
26 Code, or any other provision of law and subject to sub-

1 section (b), if the employees of a contractor with a service
2 contract with the Architect of the Capitol are furloughed
3 or otherwise unable to work during closures, stop work
4 orders, or reductions in service arising from or related to
5 the impacts of coronavirus, the Architect of the Capitol
6 may continue to make the payments provided for under
7 the contract for the weekly salaries and benefits of such
8 employees for not more than 16 weeks.

9 (b) AVAILABILITY OF APPROPRIATIONS.—The au-
10 thority of the Architect of the Capitol to make payments
11 under the authority of subsection (a) is subject to the
12 availability of appropriations to make such payments.

13 (c) REGULATIONS.—The Architect of the Capitol
14 shall promulgate such regulations as may be necessary to
15 carry out this section.

16 MASS MAILINGS AS FRANKED MAIL

17 SEC. 10906. (a) WAIVER OF RESTRICTIONS TO RE-
18 SPOND TO THREATS TO LIFE SAFETY.—(1) Section
19 3210(a)(6)(D) of title 39, United States Code, is amended
20 by striking the period at the end of the first sentence and
21 inserting the following: “, and in the case of the Commis-
22 sion, to waive this paragraph in the case of mailings sent
23 in response to or to address threats to life safety.”.

24 (2) EFFECTIVE DATE.—The amendments made by
25 this subsection shall apply with respect to mailings sent
26 on or after the date of the enactment of this Act.

1 TECHNICAL CORRECTION

2 SEC. 10907. In the matter preceding the first proviso
3 under the heading “Library of Congress—Salaries and
4 Expenses” in division E of the Further Consolidated Ap-
5 propriations Act, 2020 (Public Law 116–94), strike
6 “\$504,164,000” and insert “\$510,164,000”.

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

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

16 VETERANS HEALTH ADMINISTRATION
17 MEDICAL SERVICES

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

1 MEDICAL COMMUNITY CARE

2 For an additional amount for “Medical Community
3 Care”, \$2,100,000,000, to remain available until Sep-
4 tember 30, 2021, to prevent, prepare for, and respond to
5 coronavirus, including related impacts on health care de-
6 livery: *Provided*, That such amount is designated by the
7 Congress as being for an emergency requirement pursuant
8 to section 251(b)(2)(A)(i) of the Balanced Budget and
9 Emergency Deficit Control Act of 1985.

10 MEDICAL SUPPORT AND COMPLIANCE

11 For an additional amount for “Medical Support and
12 Compliance”, \$100,000,000, to remain available until
13 September 30, 2021, to prevent, prepare for, and respond
14 to coronavirus, including related impacts on health care
15 delivery: *Provided*, That such amount is designated by the
16 Congress as being for an emergency requirement pursuant
17 to section 251(b)(2)(A)(i) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985.

19 MEDICAL FACILITIES

20 For an additional amount for “Medical Facilities”,
21 \$605,613,000, to remain available until September 30,
22 2021, to prevent, prepare for, and respond to coronavirus,
23 including related impacts on health care delivery: *Pro-*
24 *vided*, That such amount is designated by the Congress
25 as being for an emergency requirement pursuant to sec-

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

3 DEPARTMENTAL ADMINISTRATION

4 GENERAL ADMINISTRATION

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

12 INFORMATION TECHNOLOGY SYSTEMS

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

21 OFFICE OF INSPECTOR GENERAL

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

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

5 ARMED FORCES RETIREMENT HOME

6 TRUST FUND

7 For an additional amount for “Armed Forces Retire-
8 ment Home Trust Fund”, \$2,800,000, to remain available
9 until September 30, 2021, to prevent, prepare for, and re-
10 spond to coronavirus, to be paid from funds available in
11 the Armed Forces Retirement Home Trust Fund: *Pro-*
12 *vided*, That of the amounts made available under this
13 heading from funds available in the Armed Forces Retire-
14 ment Home Trust Fund, \$2,800,000 shall be paid from
15 the general fund of the Treasury to the Trust Fund: *Pro-*
16 *vided further*, That the Chief Executive Officer of the
17 Armed Forces Retirement Home shall submit to the Com-
18 mittees on Appropriations of the House of Representatives
19 and the Senate monthly reports detailing obligations, ex-
20 penditures, and planned activities: *Provided further*, That
21 such amount is designated by the Congress as being for
22 an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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

3 DEPARTMENT OF STATE

4 ADMINISTRATION OF FOREIGN AFFAIRS

5 DIPLOMATIC PROGRAMS

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

15 UNITED STATES AGENCY FOR INTERNATIONAL
16 DEVELOPMENT

17 FUNDS APPROPRIATED TO THE PRESIDENT

18 OPERATING EXPENSES

19 For an additional amount for “Operating Expenses”,
20 \$95,000,000, to remain available until September 30,
21 2022, for necessary expenses to prevent, prepare for, and
22 respond to coronavirus: *Provided*, That such amount is
23 designated by the Congress as being for an emergency re-
24 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985.

1 BILATERAL ECONOMIC ASSISTANCE

2 FUNDS APPROPRIATED TO THE PRESIDENT

3 INTERNATIONAL DISASTER ASSISTANCE

4 For an additional amount for “International Disaster
5 Assistance”, \$300,000,000, to remain available until ex-
6 pended, for necessary expenses to prevent, prepare for,
7 and respond to coronavirus: *Provided*, That such amount
8 is designated by the Congress as being for an emergency
9 requirement pursuant to section 251(b)(2)(A)(i) of the
10 Balanced Budget and Emergency Deficit Control Act of
11 1985.

12 DEPARTMENT OF STATE

13 MIGRATION AND REFUGEE ASSISTANCE

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

22 INDEPENDENT AGENCIES

23 PEACE CORPS

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

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

6 GENERAL PROVISIONS — THIS TITLE

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 11101. The authorities and limitations of sec-
9 tion 402 of the Coronavirus Preparedness and Response
10 Supplemental Appropriations Act (division A of Public
11 Law 116–123) shall apply to funds appropriated by this
12 title as follows:

13 (1) subsections (a), (d), (e) and (f) shall apply
14 to funds under the heading “Diplomatic Programs”;
15 and

16 (2) subsections (c), (d), (e), and (f) shall apply
17 to funds under the heading “International Disaster
18 Assistance”.

19 SEC. 11102. Funds appropriated by this title under
20 the headings “Diplomatic Programs”, “Operating Ex-
21 penses”, and “Peace Corps” may be used to reimburse
22 such accounts administered by the Department of State,
23 the United States Agency for International Development,
24 and the Peace Corps for obligations incurred to prevent,

1 prepare for, and respond to coronavirus prior to the date
2 of enactment of this Act.

3 SEC. 11103. Section 7064(a) of the Department of
4 State, Foreign Operations, and Related Programs Appro-
5 priations Act, 2020 (division G of Public Law 116–94),
6 is amended by striking “\$100,000,000” and inserting in
7 lieu thereof “\$110,000,000” , and by adding before the
8 period at the end the following “: *Provided*, That no
9 amounts may be used that were designated by the Con-
10 gress for Overseas Contingency Operations/Global War on
11 Terrorism pursuant to the Concurrent Resolution on the
12 Budget or the Balanced Budget and Emergency Deficit
13 Control Act of 1985”.

14 SEC. 11104. The reporting requirements of section
15 406(b) of the Coronavirus Preparedness and Response
16 Supplemental Appropriations Act, 2020 (division A of
17 Public Law 116–123) shall apply to funds appropriated
18 by this title: *Provided*, That the requirement to jointly
19 submit such reports shall not apply to the Director of the
20 Peace Corps: *Provided further*, That reports required by
21 such section may be consolidated and shall include infor-
22 mation on all funds made available to such executive agen-
23 cy to prevent, prepare for, and respond to coronavirus.

24 SEC. 11105. Notwithstanding any other provision of
25 law, and in addition to leave authorized under any other

1 provision of law, the Secretary of State, the Administrator
2 of the United States Agency for International Develop-
3 ment, or the head of another Federal agency with employ-
4 ees under Chief of Mission Authority, may, in order to
5 prevent, prepare for, and respond to coronavirus, provide
6 additional paid leave to address employee hardships result-
7 ing from coronavirus: *Provided*, That this authority shall
8 apply to leave taken since January 29, 2020, and may
9 be provided abroad and domestically: *Provided further*,
10 That the head of such agency shall consult with the Com-
11 mittee on Appropriations and the Committee on Foreign
12 Affairs of the House of Representatives and the Com-
13 mittee on Appropriations and the Committee on Foreign
14 Relations of the Senate prior to the initial implementation
15 of such authority: *Provided further*, That the authority
16 made available pursuant to this section shall expire on
17 September 30, 2022.

18 SEC. 11106. The Secretary of State, to prevent, pre-
19 pare for, and respond to coronavirus, may exercise the au-
20 thorities of section 3(j) of the State Department Basic Au-
21 thorities Act of 1956 (22 U.S.C. 2670(j)) to provide med-
22 ical services or related support for private United States
23 citizens, nationals, and permanent resident aliens abroad,
24 or third country nationals connected to United States per-
25 sons or the diplomatic or development missions of the

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

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

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

1 personal services (as described in section 104 of part 37
2 of title 48, Code of Federal Regulations and including pur-
3 suant to section 904 of the Foreign Service Act of 1980
4 (22 U.S.C. 4084)) to prevent, prepare for, and respond
5 to coronavirus, within the United States, subject to prior
6 consultation with, and the regular notification procedures
7 of, the Committee on Appropriations and the Committee
8 on Foreign Affairs of the House of Representatives and
9 the Committee on Appropriations and the Committee on
10 Foreign Relations of the Senate: *Provided*, That such indi-
11 viduals may not be deemed employees of the United States
12 for the purpose of any law administered by the Office of
13 Personnel Management: *Provided further*, That not later
14 than 15 days after utilizing this authority, the Secretary
15 of State shall provide a report to such committees on the
16 overall staffing needs for the Office of Medical Services:
17 *Provided further*, That the authority made available pursu-
18 ant to this section shall expire on September 30, 2022.

19 SEC. 11109. The matter under the heading “Emer-
20 gencies in the Diplomatic and Consular Service” in title
21 I of the Department of State, Foreign Operations, and
22 Related Programs Appropriations Act, 2020 (division G
23 of Public Law 116–94) is amended by striking
24 “\$1,000,000” and inserting in lieu thereof “\$5,000,000”.

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

7 SEC. 11111. Notwithstanding any other provision of
8 law, any oath of office required by law may, in particular
9 circumstances that could otherwise pose health risks, be
10 administered remotely, subject to appropriate verification:
11 *Provided*, That prior to exercising the authority of this
12 section, the Secretary of State shall submit a report to
13 the Committee on Appropriations and the Committee on
14 Foreign Relations of the Senate and the Committee on
15 Appropriations and the Committee on Foreign Affairs of
16 the House of Representatives describing the process and
17 procedures for administering such oaths, including appro-
18 priate verification: *Provided further*, That the authority
19 made available pursuant to this section shall expire on
20 September 30, 2021.

21 SEC. 11112. (a) PURPOSES.—For purposes of
22 strengthening the ability of foreign countries to prevent,
23 prepare for, and respond to coronavirus and to the adverse
24 economic impacts of coronavirus, in a manner that would
25 protect the United States from the spread of coronavirus

1 and mitigate an international economic crisis resulting
2 from coronavirus that may pose a significant risk to the
3 economy of the United States, each paragraph of sub-
4 section (b) shall take effect upon enactment of this Act.

5 (b) CORONAVIRUS RESPONSES.—

6 (1) INTERNATIONAL DEVELOPMENT ASSOCIA-
7 TION REPLENISHMENT.—The International Develop-
8 ment Association Act (22 U.S.C. 284 et seq.) is
9 amended by adding at the end the following new sec-
10 tion:

11 **“SEC. 31 NINETEENTH REPLENISHMENT.**

12 “(a) IN GENERAL.—The United States Governor of
13 the International Development Association is authorized
14 to contribute on behalf of the United States
15 \$3,004,200,000 to the nineteenth replenishment of the re-
16 sources of the Association, subject to obtaining the nec-
17 essary appropriations.

18 “(b) AUTHORIZATION OF APPROPRIATIONS.—In
19 order to pay for the United States contribution provided
20 for in subsection (a), there are authorized to be appro-
21 priated, without fiscal year limitation, \$3,004,200,000 for
22 payment by the Secretary of the Treasury.”.

23 (2) INTERNATIONAL FINANCE CORPORATION
24 AUTHORIZATION.—The International Finance Cor-

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

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

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

7 “(1) a resolution to increase the authorized cap-
8 ital stock of the Corporation by 16,999,998 shares,
9 to implement the conversion of a portion of the re-
10 tained earnings of the Corporation into paid-in cap-
11 ital, which will result in the United States being
12 issued an additional 3,771,899 shares of capital
13 stock, without any cash contribution;

14 “(2) a resolution to increase the authorized cap-
15 ital stock of the Corporation on a general basis by
16 4,579,995 shares; and

17 “(3) a resolution to increase the authorized cap-
18 ital stock of the Corporation on a selective basis by
19 919,998 shares.

20 “(b) AMENDMENT OF THE ARTICLES .—The United
21 States Governor of the Corporation is authorized to agree
22 to and accept an amendment to article II, section 2(c)(ii)
23 of the Articles of Agreement of the Corporation that would
24 increase the vote by which the Board of Governors of the
25 Corporation may increase the capital stock of the Corpora-

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

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

7 **“SEC. 1345 SEVENTH CAPITAL INCREASE.**

8 “(a) SUBSCRIPTION AUTHORIZED.—

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

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

17 “(b) AUTHORIZATIONS OF APPROPRIATIONS.—

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

24 “(2) SHARE TYPES.—Of the amount authorized
25 to be appropriated under paragraph (1)—

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

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

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

9 **“SEC. 226 FIFTEENTH REPLENISHMENT.**

10 “(a) IN GENERAL.—The United States Governor of
11 the Fund is authorized to contribute on behalf of the
12 United States \$513,900,000 to the fifteenth replenish-
13 ment of the resources of the Fund, subject to obtaining
14 the necessary appropriations.

15 “(b) AUTHORIZATION OF APPROPRIATIONS.—In
16 order to pay for the United States contribution provided
17 for in subsection (a), there are authorized to be appro-
18 priated, without fiscal year limitation, \$513,900,000 for
19 payment by the Secretary of the Treasury.”.

20 (5) INTERNATIONAL MONETARY FUND AUTHOR-
21 IZATION FOR NEW ARRANGEMENTS TO BORROW.—

22 (A) IN GENERAL.—Section 17 of the
23 Bretton Woods Agreements Act (22 U.S.C.
24 286e-2) is amended—

25 (i) in subsection (a)—

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

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

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

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

1 (ii) in paragraph (6), as so redesignated,
2 nated, by striking “December 16, 2022”
3 and inserting “December 31, 2025”; and

4 (iii) in subsection (e)(1) by striking
5 “(a)(2),” each place such term appears
6 and inserting “(a)(2), (a)(3)”.

7 (c) The amounts provided by the amendments made
8 by this section are designated by the Congress as being
9 for an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 TECHNICAL CORRECTIONS

13 SEC. 11113. (a) ENVIRONMENT COOPERATION COM-
14 MISSIONS; NORTH AMERICAN DEVELOPMENT BANK.—
15 Section 601 of the United States-Mexico-Canada Agree-
16 ment Implementation Act (Public Law 116–113; 134
17 Stat. 78) is amended by inserting “, other than sections
18 532 and 533 of such Act and part 2 of subtitle D of title
19 V of such Act (as amended by section 831 of this Act),”
20 before “is repealed”.

21 (b) PROTECTIVE ORDERS.—Section 422 of the
22 United States-Mexico-Canada Agreement Implementation
23 Act (134 Stat. 64) is amended in subsection (a)(2)(A) by
24 striking “all that follows through ‘, the administering au-
25 thority’ ” and inserting “all that follows through ‘Agree-
26 ment, the administering authority’ ”.

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

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

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

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

24 SEC. 11114. Notwithstanding any other provision of
25 law, funds made available under each heading in this title

- 1 shall only be used for the purposes specifically described
- 2 under that heading.

1 TITLE XII
2 TRANSPORTATION, HOUSING AND URBAN
3 DEVELOPMENT, AND RELATED AGENCIES
4 DEPARTMENT OF TRANSPORTATION
5 OFFICE OF THE SECRETARY
6 SALARIES AND EXPENSES

7 For an additional amount for “Salaries and Ex-
8 penses”, \$1,753,000, to remain available until September
9 30, 2020, to prevent, prepare for, and respond to
10 coronavirus, including necessary expenses for operating
11 costs and capital outlays: *Provided*, That such amounts
12 are in addition to any other amounts made available for
13 this purpose: *Provided further*, That obligations of
14 amounts under this heading in this Act shall not be sub-
15 ject to the limitation on obligations under the heading
16 “Office of the Secretary—Working Capital Fund” in divi-
17 sion H of the Further Consolidated Appropriations Act,
18 2020 (Public Law 116–94): *Provided further*, That such
19 amount is designated by the Congress as being for an
20 emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

23 PAYMENT TO AIR CARRIERS

24 In addition to funds made available to the “Payment
25 to Air Carriers” program in Public Law 116–94 to carry

1 out the essential air service program under sections 41731
2 through 41742 of title 49, United States Code,
3 \$100,000,000, to be derived from the general fund and
4 made available to the Essential Air Service and Rural Im-
5 provement Fund, to remain available until expended: *Pro-*
6 *vided*, That in determining between or among carriers
7 competing to provide service to a community, the Sec-
8 retary may consider the relative subsidy requirements of
9 the carriers: *Provided further*, That basic essential air
10 service minimum requirements shall not include the 15-
11 passenger capacity requirement under section 41732(b)(3)
12 of such title: *Provided further*, That none of the funds in
13 this Act or any other Act shall be used to enter into a
14 new contract with a community located less than 40 miles
15 from the nearest small hub airport before the Secretary
16 has negotiated with the community over a local cost share:
17 *Provided further*, That amounts authorized to be distrib-
18 uted for the essential air service program under section
19 41742(b) of title 49, United States Code, shall be made
20 available from amounts otherwise provided to the Admin-
21 istrator of the Federal Aviation Administration: *Provided*
22 *further*, That the Administrator may reimburse such
23 amounts from fees credited to the account established
24 under section 45303 of such title: *Provided further*, That
25 such amount is designated by the Congress as being for

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

4 OFFICE OF AIRLINE INDUSTRY FINANCIAL OVERSIGHT

5 For the necessary expenses of the Office of Airline
6 Industry Financial Oversight, as authorized in [section
7 [301] of title [III of division R]] of the Take Responsi-
8 bility for Workers and Families Act, \$3,000,000: Pro-
9 vided, That such amount is designated by the Congress
10 as being for an emergency requirement pursuant to sec-
11 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985.

13 AIRLINE ASSISTANCE TO RECYCLE AND SAVE PROGRAM

14 For the necessary expenses of the Airline Assistance
15 to Recycle and Save Program, as authorized in [section
16 702 of title VII of division R] of the Take Responsibility
17 for Workers and Families Act, \$1,000,000,000 to remain
18 available until expended: Provided, That such amount is
19 designated by the Congress as being for an emergency re-
20 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985.

22 PANDEMIC RELIEF FOR AVIATION WORKERS

23 For necessary expenses for providing pandemic relief
24 for aviation workers, \$40,000,000,000, to remain available
25 until September 30, 2021 of which \$37,000,000,000 shall

1 be for the purposes authorized in [section [101(a)(1)(A)]
2 of title [I] of division R] of the Take Responsibility for
3 Workers and Families Act, and \$3,000,000,000, shall be
4 for the purposes authorized in [section [101(a)(1)(B)] of
5 title [I] of division R] of the Take Responsibility for
6 Workers and Families Act: *Provided*, That such amount
7 is designated by the Congress as being for an emergency
8 requirement pursuant to section 251(b)(2)(A)(i) of the
9 Balanced Budget and Emergency Deficit Control Act of
10 1985.

11 In addition, for the cost of making direct loans and
12 loan guarantees in accordance with the terms and condi-
13 tions in [sections [101–103 and 105] of title [I] of divi-
14 sion R] of the Take Responsibility for Workers and Fami-
15 lies Act, such sums as may be necessary to remain avail-
16 able until September 30, 2021: *Provided*, That such costs,
17 including the cost of modifying such loans, shall be defined
18 by section 502 of the Congressional Budget Act of 1974:
19 *Provided further*, That subject to section 502 of the Con-
20 gressional Budget Act of 1974, during fiscal years 2020
21 and 2021, the aggregate sum of the principle for direct
22 loans and guaranteed loans shall not exceed
23 \$21,000,000,000: *Provided further*, That such amount is
24 designated by the Congress as being for an emergency re-

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

3 FEDERAL AVIATION ADMINISTRATION

4 OPERATIONS

5 (AIRPORT AND AIRWAY TRUST FUND)

6 Of the amounts made available from the Airport and
7 Airway Trust Fund for “Federal Aviation Administra-
8 tion—Operations” in title XI of subdivision 1 of division
9 B of the Bipartisan Budget Act of 2018 (Public Law 115–
10 123), not more than \$25,000,000 may be used to prevent,
11 prepare for, and respond to coronavirus: *Provided*, That
12 amounts repurposed under this heading in this Act that
13 were previously designated by the Congress as an emer-
14 gency requirement pursuant to the Balanced Budget and
15 Emergency Deficit Control Act of 1985 are designated by
16 the Congress as an emergency requirement pursuant to
17 section 251(b)(2)(A)(i) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985.

19 GRANTS-IN-AID FOR AIRPORTS

20 For an additional amount for “Grants-In-Aid for Air-
21 ports”, to enable the Secretary of Transportation to make
22 grants in accordance with the terms and conditions in sec-
23 tion 401 of title IV division R of the Take Responsibility
24 for Workers and Families Act, \$10,000,000,000, to re-
25 main available until expended: *Provided*, That amounts

1 made available under this heading in this Act shall be de-
2 rived from the general fund: *Provided further*, That such
3 amount is designated by the Congress as being for an
4 emergency requirement pursuant to section
5 251(b)(2)(A)(i) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7 RESEARCH, ENGINEERING, AND DEVELOPMENT

8 For an additional amount for “Research, Engineer-
9 ing, and Development”, as authorized in [section 705 of
10 title VII of division R] of the Take Responsibility for
11 Workers and Families Act, \$100,000,000, to remain avail-
12 able until expended: *Provided*, That such amount is des-
13 ignated by the Congress as being for an emergency re-
14 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
15 anced Budget and Emergency Deficit Control Act of 1985.

16 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

17 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

18 Of prior year unobligated contract authority and liq-
19 uidating cash provided for Motor Carrier Safety in the
20 Transportation Equity Act for the 21st Century (Public
21 Law 105–178), SAFETEA–LU (Public Law 109–59), or
22 any other Act, in addition to amounts already appro-
23 priated in fiscal year 2020 for “Motor Carrier Safety Op-
24 erations and Programs” \$150,000 in additional obligation
25 limitation is provided and repurposed for obligations in-

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

6 FEDERAL RAILROAD ADMINISTRATION

7 SAFETY AND OPERATIONS

8 For an additional amount for “Safety and Oper-
9 ations”, \$250,000, to remain available until September
10 30, 2021, to prevent, prepare for, and respond to
11 coronavirus: *Provided*, That such amount is designated by
12 the Congress as being for an emergency requirement pur-
13 suant to section 251(b)(2)(A)(i) of the Balanced Budget
14 and Emergency Deficit Control Act of 1985.

15 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL

16 RAILROAD PASSENGER CORPORATION

17 (INCLUDING TRANSFER OF FUNDS)

18 For an additional amount for “Northeast Corridor
19 Grants to the National Railroad Passenger Corporation”,
20 \$492,000,000, to remain available until September 30,
21 2021, to prevent, prepare for, and respond to coronavirus,
22 including to enable the Secretary of Transportation to
23 make or amend existing grants to the National Railroad
24 Passenger Corporation for activities associated with the
25 Northeast Corridor as authorized by section 11101(a) of

1 the Fixing America’s Surface Transportation Act (division
2 A of Public Law 114–94): *Provided*, That amounts made
3 available under this heading in this Act may be trans-
4 ferred to and merged with “National Network Grants to
5 the National Railroad Passenger Corporation” to prevent,
6 prepare for, and respond to coronavirus: *Provided further*,
7 That such amount is designated by the Congress as being
8 for an emergency requirement pursuant to section
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 NATIONAL NETWORK GRANTS TO THE NATIONAL
12 RAILROAD PASSENGER CORPORATION
13 (INCLUDING TRANSFER OF FUNDS)

14 For an additional amount for “National Network
15 Grants to the National Railroad Passenger Corporation”,
16 \$526,000,000, to remain available until September 30,
17 2021, to prevent, prepare for, and respond to coronavirus,
18 including to enable the Secretary of Transportation to
19 make or amend existing grants to the National Railroad
20 Passenger Corporation for activities associated with the
21 National Network as authorized by section 11101(b) of
22 the Fixing America’s Surface Transportation Act (division
23 A of Public Law 114–94): *Provided*, That a State shall
24 not be required to pay the National Railroad Passenger
25 Corporation more than 80 percent of the amount paid in

1 fiscal year 2019 under section 209 of the Passenger Rail
2 Investment and Improvement Act of 2008 (Public Law
3 110–432) and that not less than \$239,000,000 of the
4 amounts made available under this heading in this Act
5 shall be made available for use in lieu of any increase in
6 a State’s payment: *Provided further*, That amounts made
7 available under this heading in this Act may be trans-
8 ferred to and merged with the “Northeast Corridor Grants
9 to the National Railroad Passenger Corporation” to pre-
10 vent, prepare for, and respond to coronavirus: *Provided*
11 *further*, That such amount is designated by the Congress
12 as being for an emergency requirement pursuant to sec-
13 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
14 gency Deficit Control Act of 1985.

15 FEDERAL TRANSIT ADMINISTRATION

16 TRANSIT INFRASTRUCTURE GRANTS

17 For an additional amount for “Transit Infrastructure
18 Grants” \$25,000,000,000, to remain available until Sep-
19 tember 30, 2021, to prevent, prepare for, and respond to
20 coronavirus: *Provided*, That the Secretary of Transpor-
21 tation shall provide funds appropriated under this heading
22 in this Act as if such funds were provided under section
23 5307 of title 49, United States Code, and apportion such
24 funds in accordance with section 5336 of such title (other
25 than subsections (h)(1) and (h)(4)), sections 5311, 5337,

1 and 5340 of title 49, United States Code, and apportion
2 such funds in accordance with such sections, except that
3 funds apportioned under section 5337 shall be added to
4 funds apportioned under section 5307 for administration
5 under section 5307: *Provided further*, That the Secretary
6 shall allocate the amounts provided in the preceding pro-
7 viso under sections 5307, 5311, 5337, and 5340 of title
8 49, United States Code, among such sections in the same
9 ratio as funds were provided in the fiscal year 2020 appor-
10 tionments: *Provided further*, That funds apportioned
11 under this heading shall be apportioned not later than 7
12 days after the date of enactment of this Act: *Provided fur-*
13 *ther*, That funds shall be apportioned using the fiscal year
14 2020 apportionment formulas: *Provided further*, That not
15 more than three-quarters of 1 percent of the funds for
16 transit infrastructure grants shall be available for admin-
17 istrative expenses and ongoing program management over-
18 sight as authorized under sections 5334 and 5338(f)(2)
19 of title 49, United States Code, and shall be in addition
20 to any other appropriations for such purpose: *Provided*
21 *further*, That notwithstanding subsection (a)(1) or (b) of
22 section 5307 of title 49, United States Code, funds pro-
23 vided under this heading are available for the operating
24 expenses of transit agencies related to the response to a
25 public health emergency as described in section 319 of the

1 Public Health Service Act, including, beginning on Janu-
2 ary 31, 2020, reimbursement for operating costs to main-
3 tain service and lost revenue due to the public health
4 emergency, the purchase of personal protective equipment,
5 and paying the administrative leave of operations per-
6 sonnel due to reductions in service: *Provided further*, That
7 such operating expenses are not required to be included
8 in a transportation improvement program, long-range
9 transportation, statewide transportation plan, or a state-
10 wide transportation improvement program: *Provided fur-*
11 *ther*, That the Secretary shall not waive the requirements
12 of section 5333 of title 49, United States Code, for funds
13 appropriated under this heading or for funds previously
14 made available under section 5307 of title 49, United
15 States Code, or sections 5311, 5337, or 5340 of such title
16 as a result of the coronavirus: *Provided further*, That un-
17 less otherwise specified, applicable requirements under
18 chapter 53 of title 49, United States Code, shall apply to
19 funding made available under this heading, except that the
20 Federal share of the costs for which any grant is made
21 under this heading shall be, at the option of the recipient,
22 up to 100 percent: *Provided further*, That the amount
23 made available under this heading shall be derived from
24 the general fund and shall not be subject to any limitation
25 on obligations for transit programs set forth in any Act:

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

5 MARITIME ADMINISTRATION
6 OPERATIONS AND TRAINING

7 For an additional amount for “Operations and Train-
8 ing”, \$3,134,000, to remain available until September 30,
9 2021, to prevent, prepare for, and respond to coronavirus:
10 *Provided*, That of the amounts made available under this
11 heading in this Act, \$1,000,000 shall be for the operations
12 of the United States Merchant Marine Academy: *Provided*
13 *further*, That such amount is designated by the Congress
14 as being for an emergency requirement pursuant to sec-
15 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
16 gency Deficit Control Act of 1985.

17 OFFICE OF INSPECTOR GENERAL
18 SALARIES AND EXPENSES

19 For an additional amount for “Office of Inspector
20 General”, \$5,000,000, to remain available through Sep-
21 tember 30, 2021: *Provided*, That the amount made avail-
22 able under this heading in this Act shall be for necessary
23 expenses of the Office of Inspector General to carry out
24 the provisions of the Inspector General Act of 1978, as
25 amended: *Provided further*, That the amounts made avail-

1 able under this heading in this Act shall be used to con-
2 duct audits and investigations of activities carried out with
3 amounts made available in this Act to the Department of
4 Transportation to prevent, prepare for, and respond to
5 coronavirus: *Provided further*, That the Inspector General
6 shall have all the necessary authority, in carrying out the
7 duties specified in the Inspector General Act, as amended
8 (5 U.S.C. App 3), to investigate allegations of fraud, in-
9 cluding false statements to the Government (18 U.S.C.
10 1001), by any person or entity that is subject to regulation
11 by the Department of Transportation: *Provided further*,
12 That such amount is designated by the Congress as being
13 for an emergency requirement pursuant to section
14 251(b)(2)(A)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985.

16 GENERAL PROVISIONS—DEPARTMENT OF
17 TRANSPORTATION

18 SEC. 11201. For amounts made available by this Act
19 under the headings “Northeast Corridor Grants to the Na-
20 tional Railroad Passenger Corporation” and “National
21 Network Grants to the National Railroad Passenger Cor-
22 poration”, the Secretary of Transportation may not waive
23 the requirements under section 24312 of title 49, United
24 States Code, and section 24305(f) of title 49, United
25 States Code: *Provided*, That for amounts made available

1 by this Act under such headings the Secretary shall re-
2 quire the National Railroad Passenger Corporation to
3 comply with the Railway Retirement Act of 1974 (45
4 U.S.C. 231 et seq.), the Railway Labor Act (45 U.S.C.
5 151 et seq.), and the Railroad Unemployment Insurance
6 Act (45 U.S.C. 351 et seq.): *Provided further*, That not
7 later than 7 days after the date of enactment of this Act
8 and each subsequent 7 days thereafter, the Secretary shall
9 notify the House and Senate Committees on Appropria-
10 tions, the Committee on Transportation and Infrastruc-
11 ture of the House of Representatives, and the Committee
12 on Commerce, Science, and Transportation of the Senate
13 of any National Railroad Passenger Corporation employee
14 furloughs as a result of efforts to prevent, prepare for,
15 and respond to coronavirus: *Provided further*, That in the
16 event of any National Railroad Passenger Corporation em-
17 ployee furloughs as a result of efforts to prevent, prepare
18 for, and respond to coronavirus, the Secretary shall re-
19 quire the National Railroad Passenger Corporation to pro-
20 vide such employees the opportunity to be recalled to their
21 previously held positions as intercity passenger rail service
22 is restored to March 1, 2020 levels and not later than the
23 date on which intercity passenger rail service has been
24 fully restored to March 1, 2020 levels.

1 DEPARTMENT OF HOUSING AND URBAN
2 DEVELOPMENT
3 MANAGEMENT AND ADMINISTRATION
4 ADMINISTRATIVE SUPPORT OFFICES

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

12 PROGRAM OFFICES

13 For an additional amount for “Program Offices”,
14 \$10,000,000, to remain available until September 30,
15 2030, to prevent, prepare for, and respond to coronavirus:
16 *Provided*, That of the sums appropriated under this head-
17 ing in this Act—

18 (1) \$2,500,000 shall be available for the Office
19 of Public and Indian Housing;

20 (2) \$5,000,000 shall be available for the Office
21 of Community Planning and Development; and

22 (3) \$2,500,000 shall be available for the Office
23 of Housing;

24 *Provided further*, That such amount is designated by the
25 Congress as being for an emergency requirement pursuant

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

3 PUBLIC AND INDIAN HOUSING

4 TENANT-BASED RENTAL ASSISTANCE

5 For an additional amount for “Tenant-Based Rental
6 Assistance”, \$1,500,000,000, to remain available until ex-
7 pended, to provide additional funds for public housing
8 agencies to maintain operations and take other necessary
9 actions to prevent, prepare for, and respond to
10 coronavirus: *Provided*, That of the amounts made avail-
11 able under this heading in this Act, \$1,000,000,000 shall
12 be available for additional administrative and other ex-
13 penses of public housing agencies in administering their
14 section 8 programs, including Mainstream vouchers, in re-
15 sponse to coronavirus: *Provided further*, That such other
16 expenses shall be new eligible activities to be defined by
17 the Secretary and shall be activities to support or maintain
18 the health and safety of assisted individuals and families,
19 and costs related to retention and support of current par-
20 ticipating landlords: *Provided further*, That amounts made
21 available under paragraph (3) of this heading in division
22 H of the Further Consolidated Appropriations Act, 2020
23 (Public Law 116–94) may be used for the other expenses
24 as described in the preceding proviso in addition to their
25 other available uses: *Provided further*, That of the

1 amounts made available under this heading in this Act,
2 \$500,000,000 shall be available for adjustments in the cal-
3 endar year 2020 section 8 renewal funding allocations, in-
4 cluding Mainstream vouchers, for public housing agencies
5 that experience a significant increase in voucher per-unit
6 costs due to extraordinary circumstances or that, despite
7 taking reasonable cost savings measures, as determined by
8 the Secretary, would otherwise be required to terminate
9 rental assistance for families as a result of insufficient
10 funding: *Provided further*, That the Secretary shall allo-
11 cate amounts provided in the preceding proviso based on
12 need, as determined by the Secretary: *Provided further*,
13 That for any amounts provided under this heading in prior
14 Acts for tenant-based rental assistance contracts, includ-
15 ing necessary administrative expenses, under section 811
16 of the Cranston-Gonzalez National Affordable Housing
17 Act (42 U.S.C. 8013) that remain available for this pur-
18 pose after funding renewals and administrative expenses,
19 the Secretary shall award no less than 50 percent of the
20 remaining amounts for the same purpose within 60 days
21 of enactment of this Act: *Provided further*, That the Sec-
22 retary may waive, or specify alternative requirements for,
23 any provision of any statute or regulation that the Sec-
24 retary administers in connection with the use of the
25 amounts made available under this heading and the same

1 heading of Public Law 116–94 (except for requirements
2 related to fair housing, nondiscrimination, labor stand-
3 ards, and the environment), upon a finding by the Sec-
4 retary that any such waivers or alternative requirements
5 are necessary for the safe and effective administration of
6 these funds to prevent, prepare for, and respond to
7 coronavirus: *Provided further*, That the Secretary shall no-
8 tify the public through the Federal Register or other ap-
9 propriate means to ensure the most expeditious allocation
10 of this funding of any such waiver or alternative require-
11 ment in order for such waiver or alternative requirement
12 to take effect, and that such public notice may be provided
13 at a minimum on the Internet at the appropriate Govern-
14 ment web site or through other electronic media, as deter-
15 mined by the Secretary: *Provided further*, That any such
16 waivers or alternative requirements shall remain in effect
17 for the time and duration specified by the Secretary in
18 such public notice and may be extended if necessary upon
19 additional notice by the Secretary: *Provided further*, That
20 such amount is designated by the Congress as being for
21 an emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

1 PUBLIC HOUSING OPERATING FUND

2 For an additional amount for “Public Housing Oper-
3 ating Fund” for 2020 payments to public housing agen-
4 cies for the operation and management of public housing,
5 as authorized by section 9(e) of the United States Housing
6 Act of 1937 (42 U.S.C. 1437g(e)), \$720,000,000, to re-
7 main available until September 30, 2021: *Provided*, That
8 such amount shall be combined with the amount appro-
9 priated for the same purpose under the same heading of
10 Public Law 116–94, and distributed to all public housing
11 agencies pursuant to the Operating Fund formula at part
12 990 of title 24, Code of Federal Regulations: *Provided fur-*
13 *ther*, That for the period from the enactment of this Act
14 through December 31, 2020, such combined total amount
15 may be used for eligible activities under subsections (d)(1)
16 and (e)(1) of such section 9 and for other expenses to pre-
17 vent, prepare for, and respond to coronavirus, including
18 activities to support or maintain the health and safety of
19 assisted individuals and families, and activities to support
20 education and child care for impacted families: *Provided*
21 *further*, That amounts made available under the headings
22 “Public Housing Operating Fund” and “Public Housing
23 Capital Fund” in prior Acts, except for any set-asides list-
24 ed under such headings, may be used for all of the pur-
25 poses described in the preceding proviso: *Provided further*,

1 That the expanded uses and funding flexibilities described
2 in the previous two provisos shall be available to all public
3 housing agencies through December 31, 2020, except that
4 the Secretary may extend the period under which such
5 flexibilities shall be available in additional 12 month incre-
6 ments upon a finding that individuals and families as-
7 sisted by the public housing program continue to require
8 expanded services due to the coronavirus pandemic: *Pro-*
9 *vided further*, That the Secretary may waive, or specify
10 alternative requirements for, any provision of any statute
11 or regulation that the Secretary administers in connection
12 with the use of such combined total amount of funds made
13 available under the headings “Public Housing Operating
14 Fund” and “Public Housing Capital Fund” in prior Acts
15 (except for requirements related to fair housing, non-
16 discrimination, labor standards, and the environment),
17 upon a finding by the Secretary that any such waivers or
18 alternative requirements are necessary for the safe and ef-
19 fective administration of these funds to prevent, prepare
20 for, and respond to coronavirus: *Provided further*, That the
21 Secretary shall notify the public through the Federal Reg-
22 ister or other appropriate means to ensure the most expe-
23 ditious allocation of this funding of any such waiver or
24 alternative requirement in order for such waiver or alter-
25 native requirement to take effect, and that such public no-

1 tice may be provided at a minimum on the Internet at
2 the appropriate Government web site or through other
3 electronic media, as determined by the Secretary: *Provided*
4 *further*, That any such waivers or alternative requirements
5 shall remain in effect for the time and duration specified
6 by the Secretary in such public notice and may be ex-
7 tended if necessary upon additional notice by the Sec-
8 retary: *Provided further*, That amounts repurposed under
9 this heading that were previously designated by the Con-
10 gress as an emergency requirement pursuant to the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985
12 are designated by the Congress as an emergency require-
13 ment pursuant to section 251(b)(2)(A)(i) of the Balanced
14 Budget and Emergency Deficit Control Act of 1985 *Pro-*
15 *vided further*, That such amount is designated by the Con-
16 gress as being for an emergency requirement pursuant to
17 section 251(b)(2)(A)(i) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985.

19 NATIVE AMERICAN PROGRAMS

20 For an additional amount for “Native American Pro-
21 grams”, \$350,000,000, to remain available until Sep-
22 tember 30, 2024, to prevent, prepare for, and respond to
23 coronavirus, of which—

24 (1) \$250,000,000 shall be for the Native Amer-
25 ican Housing Block Grants program, as authorized

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

1 to activities to prevent, prepare for, and respond to
2 coronavirus carried out with any amounts described
3 in the preceding proviso; and

4 (2) \$100,000,000 shall be for grants to Indian
5 tribes for carrying out the Indian Community Devel-
6 opment Block Grant program, as authorized under
7 title I of the Housing and Community Development
8 Act of 1974 (42 U.S.C. 5301 et seq.) with respect
9 to Indian tribes for use to respond to emergencies
10 that constitute imminent threats to health and safe-
11 ty: *Provided*, That, notwithstanding section
12 106(a)(1) of such Act, the Secretary shall prioritize,
13 without competition, allocations of such amounts for
14 activities and projects to prevent, prepare for, and
15 respond to coronavirus: *Provided further*, That not
16 to exceed 20 percent of any grant made with
17 amounts made available in this paragraph shall be
18 expended for planning and management development
19 and administration: *Provided further*, That such
20 amounts may be used to cover the cost of and reim-
21 bursement of allowable costs to prevent, prepare for,
22 and respond to coronavirus incurred by a recipient
23 regardless of the date on which such costs were in-
24 curred: *Provided further*, That, notwithstanding sec-
25 tion 105(a)(8) of the Housing and Community De-

1 velopment Act of 1974 (42 U.S.C. 5301 et seq.),
2 there shall be no percent limitation on the use of
3 amounts for public services activities to prevent, pre-
4 pare for, and respond to coronavirus: *Provided fur-*
5 *ther*, That the preceding proviso shall apply to all
6 such activities funded with amounts made available
7 in this paragraph and in paragraph (4) under this
8 heading in division H of the Further Consolidated
9 Appropriations Act, 2020 (Public Law 116–94):
10 *Provided further*, That the Secretary may waive, or
11 specify alternative requirements for, any provision of
12 any statute or regulation that the Secretary admin-
13 isters in connection with the use of amounts made
14 available in this paragraph and in paragraph (4)
15 under this heading in division H of the Further Con-
16 solidated Appropriations Act, 2020 (Public Law
17 116–94) (except for requirements related to fair
18 housing, nondiscrimination, labor standards, and the
19 environment), upon a finding by the Secretary that
20 any such waivers or alternative requirements are
21 necessary to expedite or facilitate the use of such
22 amounts, including to prevent, prepare for, and re-
23 spond to coronavirus: *Provided further*, That any
24 such waivers shall apply retroactively to activities to
25 prevent, prepare for, and respond to coronavirus car-

1 ried out with any amounts described in the pre-
2 ceding proviso:

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

7 COMMUNITY PLANNING AND DEVELOPMENT

8 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

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

1 tional one-time, non-renewable award to grantees cur-
2 rently administering existing contracts for permanent sup-
3 portive housing that initially were funded under section
4 854(c)(5) of such Act from funds made available under
5 this heading in fiscal year 2010 and prior years: *Provided*
6 *further*, That such awards shall be made proportionally to
7 their existing grants: *Provided further*, That, notwith-
8 standing section 858(b)(3)(B) of such Act (42 U.S.C.
9 12907(b)(3)(B)), housing payment assistance for rent,
10 mortgage, or utilities payments may be provided for a pe-
11 riod of up to 24 months: *Provided further*, That such
12 awards are not required to be spent on permanent sup-
13 portive housing: *Provided further*, That, to protect persons
14 who are living with HIV/AIDS, such amounts provided
15 under this heading in this Act may be used to self-isolate,
16 quarantine, or to provide other coronavirus infection con-
17 trol services as recommended by the Centers for Disease
18 Control and Prevention for household members not living
19 with HIV/AIDS: *Provided further*, That such amounts
20 may be used to provide relocation services, including to
21 provide lodging at hotels, motels, or other locations in
22 order to satisfy the objectives of the preceding proviso:
23 *Provided further*, That, notwithstanding section 856(g) of
24 such Act (42 U.S.C. 12905(g)), a grantee may use up to
25 6 percent of its award under this Act for administrative

1 purposes, and a project sponsor may use up to 10 percent
2 of its sub-award under this Act for administrative pur-
3 poses: *Provided further*, That such amounts provided
4 under this heading in this Act may be used to reimburse
5 allowable costs consistent with the purposes of this head-
6 ing incurred by a grantee or project sponsor regardless
7 of the date on which such costs were incurred: *Provided*
8 *further*, That any regulatory waivers the Secretary may
9 issue may be deemed to be effective as of the date a grant-
10 ee began preparing for coronavirus: *Provided further*, That
11 any additional activities or authorities authorized under
12 this heading in this Act may also apply at the discretion
13 and upon notice of the Secretary to all amounts made
14 available under this same heading in Public Law 116–94
15 if such amounts are used by grantees for the purposes de-
16 scribed under this heading: *Provided further*, That up to
17 2 percent of amounts made available under this heading
18 in this Act may be used, without competition, to increase
19 prior awards made to existing technical assistance pro-
20 viders to provide an immediate increase in capacity build-
21 ing and technical assistance available to grantees under
22 this heading and under the same heading in prior Acts:
23 *Provided further*, That such amount is designated by the
24 Congress as being for an emergency requirement pursuant

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

3 COMMUNITY DEVELOPMENT FUND

4 For an additional amount for “Community Develop-
5 ment Fund”, \$15,000,000,000, for assistance under the
6 community development block grant program under title
7 I of the Housing and Community Development Act of
8 1974 (42 U.S.C. 5301 et seq.) to prevent, prepare for,
9 and respond to coronavirus, to remain available until Sep-
10 tember 30, 2022: *Provided*, That up to \$8,000,000,000
11 of the amount made available under this heading shall be
12 distributed pursuant to section 106 of such Act (42 U.S.C.
13 5306) to grantees that received allocations pursuant to
14 that same formula in fiscal year 2020, and that such allo-
15 cations shall be made within 30 days of enactment of this
16 Act: *Provided further*, That, in addition to amounts allo-
17 cated pursuant to the preceding proviso, an additional
18 \$5,000,000,000 shall be allocated directly to States to pre-
19 vent, prepare for, and respond to coronavirus within the
20 State, including activities within entitlement and non-
21 entitlement communities, based on public health needs,
22 risk of transmission of coronavirus, number of coronavirus
23 cases compared to the national average, and economic and
24 housing market disruptions, and other factors, as deter-
25 mined by the Secretary, using best available data and that

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

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

1 That of the amounts made available under this heading,
2 up to \$10,000,000 shall be made available for capacity
3 building and technical assistance to support the use of
4 such amounts to expedite or facilitate infectious disease
5 response: *Provided further*, That, notwithstanding sections
6 104(a)(2), (a)(3), and (c) of the Housing and Community
7 Development Act of 1974 (42 U.S.C. 5304(a)(2), (a)(3),
8 and (c)) and section 105 of the Cranston-Gonzalez Na-
9 tional Affordable Housing Act (42 U.S.C. 12705), a
10 grantee may not be required to amend its statement of
11 activities in order to engage in activities to prevent, pre-
12 pare, and respond to coronavirus or the economic and
13 housing disruption caused by such virus, but shall make
14 public a report within 180 days of the end of the crisis
15 which fully accounts for those activities: *Provided further*,
16 That a grantee may not be required to hold in-person pub-
17 lic hearings in connection with citizen participation plan,
18 but shall provide citizens with notice and a reasonable op-
19 portunity to comment of no less than 15 days: *Provided*
20 *further*, That such procedures shall apply to grants from
21 amounts made available under this heading and for fiscal
22 years 2019 and 2020: *Provided further*, That, during the
23 period that national or local health authorities recommend
24 social distancing and limiting public gatherings for public
25 health reasons, a grantee may carry out virtual public

1 hearings to fulfill applicable public hearing requirements
2 for all grants from funds made available under this head-
3 ing in this and prior Acts: *Provided further*, That any such
4 virtual hearings shall provide reasonable notification and
5 access for citizens in accordance with the grantee's certifi-
6 cations, timely responses from local officials to all citizen
7 questions and issues, and public access to all questions
8 and responses: *Provided further*, That, notwithstanding
9 subsection 105(a)(8) of the Housing and Community De-
10 velopment Act of 1974 (42 U.S.C. 5305(a)(8)), there shall
11 be no percent limitation for the use of funds for public
12 services activities to prevent, prepare, and respond to
13 coronavirus or the economic and housing disruption
14 caused by it: *Provided further*, That the preceding proviso
15 shall apply to all such activities carried out with grants
16 of funds made available under this heading and for fiscal
17 years 2019 and 2020: *Provided further*, That the Sec-
18 retary shall ensure there are adequate procedures in place
19 to prevent any duplication of benefits as defined by section
20 312 of the Robert T. Stafford Disaster Relief and Emer-
21 gency Assistance Act (42 U.S.C. 5155) and act in accord-
22 ance with section 1210 of the Disaster Recovery Reform
23 Act of 2018 (division D of Public Law 115–254; 132 Stat.
24 3442) and section 312 of the Robert T. Stafford Disaster
25 Relief and Emergency Assistance Act (42 U.S.C. 5115):

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

5 HOMELESS ASSISTANCE GRANTS

6 For an additional amount for “Homeless Assistance
7 Grants”, \$5,000,000,000, to remain available until Sep-
8 tember 30, 2022, for the Emergency Solutions Grants pro-
9 gram as authorized under subtitle B of title IV of the
10 McKinney-Vento Homeless Assistance Act (42 U.S.C.
11 11371 et seq.), as amended, to prevent, prepare for, and
12 respond to coronavirus among individuals and families
13 who are homeless, receiving homeless assistance, or at risk
14 of homelessness and to support additional homeless assist-
15 ance and homelessness prevention activities to mitigate the
16 impacts created by coronavirus: *Provided*, That up to
17 \$1,500,000,000 of the amount appropriated under this
18 heading in this Act shall be distributed pursuant to 24
19 CFR 576.3 to grantees that received allocations pursuant
20 to that same formula in fiscal year 2020, and that such
21 allocations shall be made within 30 days of enactment of
22 this Act: *Provided further*, That, in addition to amounts
23 allocated in the preceding proviso, an additional
24 \$1,500,000,000 shall be allocated directly to a State or
25 unit of general local government by a formula to be devel-

1 oped by the Secretary and that such allocations shall be
2 made within 45 days of enactment of this Act: *Provided*
3 *further*, That such formula shall allocate such amounts for
4 the benefit of unsheltered homeless, sheltered homeless,
5 and those at risk of homelessness to geographical areas
6 with the greatest need based on the risk of increasing
7 transmission of coronavirus, rising rates of sheltered and
8 unsheltered homelessness, and disruptions to economic
9 and housing markets and other factors, as determined by
10 the Secretary: *Provided further*, That not less than every
11 60 days thereafter, the Secretary shall allocate a minimum
12 of an additional \$500,000,000: *Provided further*, That
13 amounts in the preceding proviso shall be allocated by a
14 formula to be developed by the Secretary which takes into
15 consideration the factors contained in the third proviso
16 under this heading, in addition to the best available data
17 on the number of coronavirus cases and disruptions in eco-
18 nomic and housing markets, and other factors as deter-
19 mined by the Secretary: *Provided further*, That such
20 amounts may be used to reimburse allowable costs con-
21 sistent with the purposes of this heading incurred by a
22 State or locality regardless of the date on which such costs
23 were incurred: *Provided further*, That individuals and fam-
24 ilies who are very low-income (as such term is defined in
25 section 3(b) of the United States Housing Act of 1937

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

1 property, temporary structures, or other means) for the
2 purposes described under this heading, and that such tem-
3 porary emergency shelters shall not be subject to the min-
4 imum periods of use required by section 416(c)(1) of such
5 Act (42 U.S.C. 11375(c)(1)): *Provided further*, That Fed-
6 eral habitability and environmental review standards and
7 requirements shall not apply to the use of such amounts
8 for those temporary emergency shelters that have been de-
9 termined by Federal, State, or local health officials to be
10 necessary to prevent and mitigate the spread of
11 coronavirus: *Provided further*, That such amounts may be
12 used for training on infectious disease prevention and
13 mitigation and to provide hazard pay, including for time
14 worked prior to enactment of this Act, for staff working
15 directly to prevent and mitigate the spread of coronavirus
16 among persons who are homeless or at risk of homeless-
17 ness, and that such activities shall not be considered ad-
18 ministrative costs for purposes of the 10 percent cap: *Pro-*
19 *vided further*, That in administering the amounts made
20 available under this heading in this Act, the Secretary may
21 waive, or specify alternative requirements for, any provi-
22 sion of any statute or regulation (except for any require-
23 ments related to fair housing, nondiscrimination, labor
24 standards, and the environment) that the Secretary ad-
25 ministers in connection with the obligation or use by the

1 recipient of these amounts, if the Secretary finds that
2 good cause exists for the waiver or alternative requirement
3 and such waiver or alternative requirement is consistent
4 with the purposes described under this heading: *Provided*
5 *further*, That any such waivers shall be deemed to be effec-
6 tive as of the date a State or unit of local government
7 began preparing for coronavirus and shall apply to the use
8 of amounts provided under this heading and amounts pro-
9 vided under the same heading in fiscal year 2020 used
10 by recipients for the purposes described under this head-
11 ing: *Provided further*, That the Secretary shall notify the
12 public through the Federal Register or other appropriate
13 means, 5 days before the effective date, of any such waiver
14 or alternative requirement, and that such public notice
15 may be provided on the Internet at the appropriate Gov-
16 ernment web site or through other electronic media, as
17 determined by the Secretary: *Provided further*, That up
18 to 1 percent of amounts made available under this heading
19 in this Act may be used to increase prior awards made
20 to existing technical assistance providers with experience
21 in providing health care services in order to provide an
22 immediate increase in capacity building and technical as-
23 sistance to recipients of the Emergency Solutions Grants
24 program under this heading and under the same heading
25 in fiscal years 2018, 2019 and 2020: *Provided further*,

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

3 HOUSING PROGRAMS

4 ASSISTED HOUSING STABILITY

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

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

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

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

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

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

23 *Provided further*, That for the purposes of addressing the
24 impact of coronavirus, the Secretary may waive, or specify
25 alternative requirements for, any provision of any statute

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

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

3 FAIR HOUSING AND EQUAL OPPORTUNITY

4 FAIR HOUSING ACTIVITIES

5 For an additional amount for “Fair Housing Activi-
6 ties”, \$7,000,000, to remain available until September 30,
7 2021, for contracts, grants, and other assistance, as au-
8 thorized by title VIII of the Civil Rights Act of 1968, as
9 amended by the Fair Housing Amendments Act of 1988,
10 and section 561 of the Housing and Community Develop-
11 ment Act of 1987, to prevent, prepare for, and respond
12 to coronavirus, of which \$4,000,000 shall be for the Fair
13 Housing Assistance Program Partnership for Special En-
14 forcement grants to address fair housing issues relating
15 to coronavirus, and \$3,000,000 shall be for the Fair Hous-
16 ing Initiatives Program for education and outreach activi-
17 ties under such section 561 to educate the public about
18 fair housing issues related to coronavirus: *Provided*, That
19 such amount is designated by the Congress as being for
20 an emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

23 OFFICE OF INSPECTOR GENERAL

24 For an additional amount for “Office of Inspector
25 General”, \$5,000,000, to remain available until September

1 30, 2021: *Provided*, That the amount made available
2 under this heading in this Act shall be for necessary sala-
3 ries and expenses of the Office of Inspector General in
4 carrying out the Inspector General Act of 1978 and to
5 conduct audits and investigations of activities carried out
6 with amounts made available in this Act to the Depart-
7 ment of Housing and Urban Development to prevent, pre-
8 pare for, and respond to coronavirus: *Provided further*,
9 That the Inspector General shall have independent author-
10 ity over all personnel issues within this office: *Provided*
11 *further*, That such amount is designated by the Congress
12 as being for an emergency requirement pursuant to sec-
13 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
14 gency Deficit Control Act of 1985.

1 TITLE XIII

2 GENERAL PROVISIONS—THIS DIVISION

3 SEC. 11301. Not later than 30 days after the date
4 of enactment of this Act, the head of each executive agen-
5 cy that receives funding in this Act, or that received fund-
6 ing in the Coronavirus Preparedness and Response Sup-
7 plemental Appropriations Act, 2020 (division A of Public
8 Law 116–123) or the Second Coronavirus Preparedness
9 and Response Supplemental Appropriations Act, 2020 (di-
10 vision A of Public Law 116–127), shall provide a report
11 detailing the anticipated uses of all such funding to the
12 Committees on Appropriations of the House of Represent-
13 atives and the Senate: *Provided*, That each report shall
14 include estimated personnel and administrative costs, as
15 well as the total amount of funding apportioned, allotted,
16 obligated, and expended, to date: *Provided further*, That
17 each such report shall be updated and submitted to such
18 Committees every 60 days until all funds are expended
19 or expire: *Provided further*, That reports submitted pursu-
20 ant to this section shall satisfy the requirements of section
21 1701 of division A of Public Law 116–127.

22 SEC. 11302. Each amount appropriated or made
23 available by this Act is in addition to amounts otherwise
24 appropriated for the fiscal year involved.

1 SEC. 11303. In this Act, the term “coronavirus”
2 means SARS-CoV-2 or another coronavirus with pan-
3 demic potential.

4 SEC. 11304. No part of any appropriation contained
5 in this Act shall remain available for obligation beyond
6 the current fiscal year unless expressly so provided herein.

7 SEC. 11305. Unless otherwise provided for by this
8 Act, the additional amounts appropriated by this Act to
9 appropriations accounts shall be available under the au-
10 thorities and conditions applicable to such appropriations
11 accounts for fiscal year 2020.

12 SEC. 11306. Each amount designated in this Act by
13 the Congress as being for an emergency requirement pur-
14 suant to section 251(b)(2)(A)(i) of the Balanced Budget
15 and Emergency Deficit Control Act of 1985 shall be avail-
16 able (or rescinded or transferred, if applicable) only if the
17 President subsequently so designates all such amounts
18 and transmits such designations to the Congress.

19 SEC. 11307. Any amount appropriated by this Act,
20 designated by the Congress as an emergency requirement
21 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
22 et and Emergency Deficit Control Act of 1985 and subse-
23 quently so designated by the President, and transferred
24 pursuant to transfer authorities provided by this Act shall
25 retain such designation.

1 SEC. 11308. Notwithstanding any other provision of
2 law, and subject to the availability of appropriations,
3 funds made available by this Act or any other Act may
4 be used to modify the terms and conditions of a contract,
5 or other agreement, without consideration, to authorize a
6 federal agency to reimburse at contract billing rates not
7 to exceed an average of 40 hours per week any contractor
8 paid leave, including sick leave, the contractor provides to
9 its employees to ensure the effective response to the de-
10 clared national emergency for the coronavirus pandemic
11 event. Such authority shall apply only to a contractor
12 whose employees cannot perform work on a federally-
13 owned or leased facility or site due to federal government
14 directed closures or other restrictions, and who cannot
15 telework because their job duties cannot be performed re-
16 motely during the declared national emergency for the
17 coronavirus pandemic event. This authority also shall
18 apply to subcontractors. The amounts made available by
19 this section are designated by the Congress as an emer-
20 gency requirement pursuant to section 251(b)(2)(A)(i) of
21 the Balanced Budget and Emergency Deficit Control Act
22 of 1985.

23 This division may be cited as the “Emergency Pen-
24 sion Plan Relief Act of 2020”.

1 **DIVISION B—EMERGENCY FAM-**
2 **ILY AND MEDICAL LEAVE EX-**
3 **PANSION ACT**

4 REFERENCES

5 SEC. 20001.

6 Except as otherwise expressly provided, whenever in
7 this division an amendment or repeal is expressed in terms
8 of an amendment to, or repeal of, a section or other provi-
9 sion, the reference shall be considered to be made to a
10 section or other provision of the Family and Medical Leave
11 Act of 1993 (29 U.S.C. 2601 et seq.), as amended by the
12 Emergency Family and Medical Leave Expansion Act
13 (Public Law 116–127).

14 EMPLOYER CLARIFICATION

15 SEC. 20002.

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

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

21 EMERGENCY LEAVE EXTENSION

22 SEC. 20003.

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

25 EMERGENCY LEAVE DEFINITIONS

26 SEC. 20004.

1 (a) ELIGIBLE EMPLOYEE.—Section 110(a)(1) is
2 amended in subparagraph (A), by striking “sections
3 101(2)(A) and 101(2)(B)(ii)” and inserting “section
4 101(2)”.

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

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

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

13 “(i) A biological, foster, or adoptive
14 parent of the employee.

15 “(ii) A stepparent of the employee.

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

17 “(iv) A parent of a domestic partner
18 of the employee.

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

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

1 “(A) QUALIFYING NEED RELATED TO A
2 PUBLIC HEALTH EMERGENCY.—The term
3 ‘qualifying need related to a public health emer-
4 gency’, with respect to leave, means that the
5 employee is unable to perform the functions of
6 the position of such employee due to a need for
7 leave for any of the following:

8 “(i) To comply with a recommenda-
9 tion or order by a public official having ju-
10 risdiction or a health care provider on the
11 basis that the physical presence of the em-
12 ployee on the job would jeopardize the
13 health of others because of—

14 “(I) the exposure of the employee
15 to COVID–19; or

16 “(II) exhibition of symptoms of
17 COVID–19 by the employee.

18 “(ii) To care for a family member of
19 an eligible employee with respect to whom
20 a public official having jurisdiction or a
21 health care provider makes a determina-
22 tion that the presence of such family mem-
23 ber in the community would jeopardize the
24 health of other individuals in the commu-
25 nity because of—

1 “(I) the exposure of the family
2 member to COVID–19; or

3 “(II) exhibition of symptoms of
4 COVID–19 by the family member.

5 “(iii) To care for the son or daughter
6 of such employee if the school or place of
7 care has been closed, or the child care pro-
8 vider of such son or daughter is unavail-
9 able, due to a public health emergency.

10 “(iv) To care for a family member
11 who meets criteria of 101(12)(B) or is a
12 senior citizen, if the place of care for such
13 family member is closed, or the direct care
14 provider is unavailable, due to a public
15 health emergency.”.

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

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

21 “(i) A parent of the employee.

22 “(ii) A spouse of the employee.

23 “(iii) A sibling of the employee.

1 “(iv) Next of kin of the employee or
2 a person for whom the employee is next of
3 kin.

4 “(v) A son or daughter of the em-
5 ployee.

6 “(vi) A grandparent or grandchild of
7 the employee.

8 “(vii) An domestic partner of the em-
9 ployee.

10 “(F) DOMESTIC PARTNER.—

11 “(i) IN GENERAL.—The term ‘domes-
12 tic partner’, with respect to an individual,
13 means another individual with whom the
14 individual is in a committed relationship.

15 “(ii) COMMITTED RELATIONSHIP DE-
16 FINED.—The term ‘committed relationship’
17 means a relationship between 2 individuals,
18 each at least 18 years of age, in which
19 each individual is the other individual’s
20 sole domestic partner and both individuals
21 share responsibility for a significant meas-
22 ure of each other’s common welfare. The
23 term includes any such relationship be-
24 tween 2 individuals that is granted legal
25 recognition by a State or political subdivi-

1 sion of a State as a marriage or analogous
2 relationship, including a civil union or do-
3 mestic partnership.”.

4 REGULATORY AUTHORITIES

5 SEC. 20005.

6 (a) IN GENERAL.—Section 110(a) is amended by
7 striking paragraph (3).

8 (b) FORCE OR EFFECT OF REGULATIONS.—Any reg-
9 ulation issued under section 110(a)(3), as in effect on the
10 day before the date of the enactment of this Act, shall
11 have no force or effect.

12 RELATIONSHIP TO PAID LEAVE

13 SEC. 20006.

14 Section 110(b) is amended—

15 (1) in paragraph (1)—

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

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

20 (C) in subparagraph (B), by inserting, “,
21 including leave provided under section 5102 of
22 the Emergency Paid Sick Leave Act (Public
23 Law 116–127),” after “medical or sick leave”;
24 and

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

1 “(A) With respect to leave taken for the
2 purposes described in clause (i) or (ii) of sub-
3 section (a)(2)(A)—

4 “(i) a recommendation or order from
5 a public official having jurisdiction or a
6 health care provider that the relevant indi-
7 vidual has symptoms of COVID–19 or
8 should be quarantined; or

9 “(ii) documentation or evidence that
10 the relevant individual has been exposed to
11 COVID–19.

12 “(B) With respect to leave taken for pur-
13 poses described in clause (iii) or (iv) of such
14 subsection, notice of closure or unavailability
15 from the school, place of care, child care pro-
16 vider, or direct care provider of the family
17 member.”.

18 AMENDMENTS TO THE EMERGENCY FAMILY AND

19 MEDICAL LEAVE EXPANSION ACT

20 SEC. 20010.

21 The Emergency Family and Medical Leave Expan-
22 sion Act (Public Law 116–127) is amended—

23 (1) in section 3103(b), by striking “Employees”
24 and inserting, “Notwithstanding section
25 102(a)(1)(A) of the Family and Medical Leave Act
26 of 1993 (29 U.S.C. 2612(a)(1)(A)), employees”; and

1 (2) by striking sections 3104 and 3105.

1 **DIVISION C—EMERGENCY PAID**
2 **SICK LEAVE ACT AMENDMENTS**

3 **SEC. 30001. REFERENCES.**

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

10 **SEC. 30002. PAID SICK TIME REQUIREMENT.**

11 (a) USES.—Section 5102(a) is amended to read as
12 follows:

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

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

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

21 “(3) To comply with a recommendation or
22 order by a public official with jurisdiction or a
23 health care provider on the basis that the physical
24 presence of the employee on the job would jeopardize
25 the health of others because of—

1 “(A) the exposure of the employee to
2 COVID–19; or

3 “(B) exhibition of symptoms of COVID–19
4 by the employee.

5 “(4) To care for or assist a family member of
6 the employee—

7 “(A) who—

8 “(i) is self-isolating because such fam-
9 ily member has been diagnosed with
10 COVID–19; or

11 “(ii) is experiencing symptoms of
12 COVID–19 and needs to obtain medical di-
13 agnosis or care.

14 “(B) with respect to whom a public official
15 with jurisdiction or a health care provider
16 makes a determination that the presence of the
17 family member in the community would jeop-
18 ardize the health of other individuals in the
19 community because of—

20 “(i) the exposure of such family mem-
21 ber to the COVID–19; or

22 “(ii) exhibition of symptoms of
23 COVID–19 by such family member.

24 “(5) To care for the son or daughter of such
25 employee if the school or place of care has been

1 closed, or the child care provider of such son or
2 daughter is unavailable, due to COVID-19.”.

3 (b) EMPLOYERS WITH EXISTING POLICIES.—Section
4 5102 by adding at the end the following:

5 “(f) EMPLOYERS WITH EXISTING POLICIES.—With
6 respect to an employer that provides paid leave on the day
7 before the date of enactment of this Act—

8 “(1) the paid sick time under this Act shall be
9 made available to employees of the employer in addi-
10 tion to such paid leave; and

11 “(2) the employer may not change such paid
12 leave on or after such date of enactment to avoid
13 being subject to paragraph (1).”.

14 **SEC. 30003. PROHIBITED ACTS.**

15 Section 5104(1) is amended by striking “and” at the
16 end and inserting “or”.

17 **SEC. 30004. SUNSET.**

18 Section 5109 is amended by striking “December 31,
19 2020” and inserting “December 31, 2021”.

20 **SEC. 30005. DEFINITIONS.**

21 (a) EMPLOYEE.—Section 5110(1)(A)(i) is amended
22 by striking “ paragraph (5)(A)” and inserting “paragraph
23 (2)(A)”;

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

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

3 “(I) means any person engaged
4 in commerce or in any industry or ac-
5 tivity affecting commerce that employs
6 1 or more employees;” and

7 (2) by amending clause (ii) to read as follows:

8 “(ii) PUBLIC AGENCY AND NON-PROF-
9 IT ORGANIZATIONS.—For purposes of
10 clause (i)(I), a public agency and a non-
11 profit organization shall be considered to
12 be a person engaged in commerce or in an
13 industry or activity affecting commerce.”.

14 (c) FMLA TERMS.—Section 5110(4) is amended to
15 read as follows:

16 “(4) FMLA TERMS.—The terms ‘health care
17 provider’, ‘next of kin’, ‘son or daughter’, and
18 ‘spouse’ have the meanings given such terms in sec-
19 tion 101 of the Family and Medical Leave Act of
20 1993 (29 U.S.C. 2611).”.

21 (d) PAID SICK LEAVE.—Section 5110(5) is amend-
22 ed—

23 (1) in subparagraph (A)—

24 (A) in clause (i), by striking “section 2(a)”
25 and inserting “section 5102(a)”; and

1 (B) in clause (ii), by striking “exceed” and
2 all that follows and inserting “exceed \$511 per
3 day and \$5,110 in the aggregate.”;

4 (2) in subparagraph (B)—

5 (A) by striking the following:

6 “(B) REQUIRED COMPENSATION.—

7 “(i) IN GENERAL.—Subject to sub-
8 paragraph (A)(ii),”; and inserting the fol-
9 lowing:

10 “(B) REQUIRED COMPENSATION.—Subject
11 to subparagraph (A)(ii),”; and

12 (B) by striking clause (ii); and

13 (3) in subparagraph (C), by striking “ section
14 2(a)” and inserting “section 5102(a)”.

15 (a) ADDITIONAL DEFINITIONS.—Section 5110 is
16 amended by adding at the end the following:

17 “(6) DOMESTIC PARTNER.—

18 “(A) IN GENERAL.—The term ‘domestic
19 partner’, with respect to an individual, means
20 another individual with whom the individual is
21 in a committed relationship.

22 “(B) COMMITTED RELATIONSHIP DE-
23 FINED.—The term ‘committed relationship’
24 means a relationship between 2 individuals,
25 each at least 18 years of age, in which each in-

1 dividual is the other individual’s sole domestic
2 partner and both individuals share responsi-
3 bility for a significant measure of each other’s
4 common welfare. The term includes any such
5 relationship between 2 individuals that is grant-
6 ed legal recognition by a State or political sub-
7 division of a State as a marriage or analogous
8 relationship, including a civil union or domestic
9 partnership.

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

13 “(A) A parent of the employee.

14 “(B) A spouse of the employee.

15 “(C) A son or daughter of the employee.

16 “(D) A sibling of the employee;

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

19 “(F) A grandparent or grandchild of the
20 employee; or

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

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

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

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

5 “(B) A stepparent of the employee.

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

7 “(D) A parent of a domestic partner of the
8 employee.

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

12 **SEC. 30006. REGULATORY AUTHORITIES.**

13 (a) IN GENERAL.—Division E is amended by striking
14 section 5111.

15 (b) FORCE OR EFFECT OF REGULATIONS.—Any reg-
16 ulation issued under section 5111 of division E of the
17 Families First Coronavirus Response Act (Public Law
18 116–127), as in effect on the day before the date of the
19 enactment of this Act, shall have no force or effect.

1 **DIVISION D—COVID-19 WORK-**
2 **ERS FIRST PROTECTION ACT**
3 **OF 2020**

4 **SEC. 40001. SHORT TITLE.**

5 This division may be cited as the “COVID–19 Work-
6 ers First Protection Act of 2020”.

7 **SEC. 40002. EMERGENCY TEMPORARY AND PERMANENT**
8 **STANDARDS.**

9 (a) EMERGENCY TEMPORARY STANDARD.—

10 (1) IN GENERAL.—In consideration of the grave
11 risk presented by COVID–19 and the need to
12 strengthen protections for employees, pursuant to
13 section 6(c)(1) of the Occupational Safety and
14 Health Act of 1970 (29 U.S.C. 655(c)(1)) and not-
15 withstanding the provisions of law and the Executive
16 Order listed in paragraph (7), not later than 7 days
17 after the date of enactment of this Act, the Sec-
18 retary of Labor shall, in consultation with the Direc-
19 tor of the Centers for Disease Control and Preven-
20 tion, the Director of the National Institute for Occu-
21 pational Safety and Health, the Commissioner of the
22 Food and Drug Administration, and the persons de-
23 scribed in paragraph (2), promulgate an emergency
24 temporary standard to protect from occupational ex-
25 posure to SARS–CoV–2—

1 (A) employees of health care sector em-
2 ployers;

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

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

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

18 (3) ENFORCEMENT DISCRETION.—If the Sec-
19 retary of Labor determines it is not feasible for an
20 employer to comply with a requirement of the stand-
21 ard promulgated under this subsection (such as a
22 shortage of the necessary personal protective equip-
23 ment), the Secretary may exercise discretion in the
24 enforcement of such requirement if the employer
25 demonstrates that the employer—

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

3 (B) is implementing alternative methods
4 and measures to protect employees.

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

12 (5) STATE PLAN ADOPTION.—With respect to a
13 State with a State plan that has been approved by
14 the Secretary of Labor under section 18 of the Oc-
15 cupational Safety and Health Act of 1970 (29
16 U.S.C. 667), not later than 14 days after the date
17 of enactment of this Act, such State shall promul-
18 gate an emergency temporary standard that is at
19 least as effective in protecting from occupational ex-
20 posure to SARS-CoV-2 the employees in the occu-
21 pations and sectors described in subparagraphs (A)
22 through (C) of paragraph (1) as the emergency tem-
23 porary standard promulgated under this subsection.

24 (6) EMPLOYER DEFINED.—For purposes of the
25 standard promulgated under this subsection, the

1 term “employer” under section 3 of the Occupa-
2 tional Safety and Health Act of 1970 (29 U.S.C.
3 652) includes any State or political subdivision of a
4 State, except for those already subject to the juris-
5 diction of a State plan approved under Section 18(b)
6 of the Occupational Safety and Health Act of 1970.

7 (7) INAPPLICABLE PROVISIONS OF LAW AND
8 EXECUTIVE ORDER.—The requirements of chapter 6
9 of title V, United States Code (commonly referred to
10 as the “Regulatory Flexibility Act”), subchapter I of
11 chapter 35 of title 44, United States Code (com-
12 monly referred to as the “Paperwork Reduction
13 Act”), and Executive Order 12866 (58 Fed. Reg.
14 190; relating to regulatory planning and review), as
15 amended, shall not apply to the standard promul-
16 gated under this subsection.

17 (b) PERMANENT STANDARD.—Not later than 24
18 months after the date of enactment of this Act, the Sec-
19 retary of Labor shall promulgate a final standard—

20 (1) to protect employees from occupational ex-
21 posure to infectious pathogens, including novel
22 pathogens; and

23 (2) that shall be effective and enforceable in the
24 same manner and to the same extent as a standard

1 promulgated under section 6(b) of the Occupational
2 Safety and Health Act of 1970 (29 U.S.C. 655(b)).

3 (c) REQUIREMENTS.—Each standard promulgated
4 under this section shall—

5 (1) require the employers of the employees in
6 the occupations and sectors described in subpara-
7 graphs (A) through (C) of subsection (a)(1) to de-
8 velop and implement a comprehensive infectious dis-
9 ease exposure control plan;

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

16 (3) incorporate, as appropriate—

17 (A) guidelines issued by the Centers for
18 Disease Control and Prevention, and the Na-
19 tional Institute for Occupational Safety and
20 Health, which are designed to prevent the
21 transmission of infectious agents in healthcare
22 settings; and

23 (B) relevant scientific research on novel
24 pathogens.

1 **SEC. 40003. SURVEILLANCE, TRACKING, AND INVESTIGA-**
2 **TION OF WORK-RELATED CASES OF COVID-19**
3 **AMONG HEALTH CARE WORKERS.**

4 The Director of the Centers for Disease Control and
5 Prevention, in conjunction with the Director of the Na-
6 tional Institute for Occupational Safety and Health,
7 shall—

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

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

17 (3) provide regular periodic reports on COVID-
18 19 disease among such employees to the public; and

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

22 **DIVISION E—COVID-19 WORK-**
23 **FORCE EMERGENCY RE-**
24 **SPONSE ACT OF 2020**

25 **SEC. 50001. SHORT TITLE.**

26 (a) **SHORT TITLE.**—This Act may be cited as the .

1 **SEC. 50002. DEFINITIONS.**

2 In this Act:

3 (1) **CORONAVIRUS.**—The term “coronavirus”
4 means coronavirus as defined in section 506 of the
5 Coronavirus Preparedness and Response Supple-
6 mental Appropriations Act, 2020 (Public Law 116–
7 123).

8 (2) **COVID–19 NATIONAL EMERGENCY.**—The
9 term “COVID–19 national emergency” means the
10 national emergency declared by the President under
11 the National Emergencies Act (50 U.S.C. 1601 et
12 seq.) on March 13, 2020, with respect to the
13 coronavirus.

14 (3) **SECRETARY.**—The term “Secretary” means
15 the Secretary of Labor.

16 (4) **WIOA TERMS.**—Except as otherwise pro-
17 vided, the terms in this Act have the meanings given
18 the terms in section 3 of the Workforce Innovation
19 and Opportunity Act (29 U.S.C. 3102).

20 **SEC. 50003. WORKFORCE RESPONSE ACTIVITIES.**

21 (a) **IN GENERAL.**—The purpose of this section is to
22 provide the increased flexibility needed for State and local
23 areas to provide continuity of services during the COVID–
24 19 national emergency.

25 (b) **ADMINISTRATIVE COSTS.**—Notwithstanding sec-
26 tion 128(b)(4) of the Workforce Innovation and Oppor-

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

13 (c) RAPID RESPONSE ACTIVITIES.—

14 (1) STATEWIDE RAPID RESPONSE.—Of the re-
15 served by a Governor under section 128(a) of the
16 Workforce Innovation and Opportunity Act (29
17 U.S.C. 3163(a)) for statewide activities that remain
18 unobligated for program year 2019, such funds may
19 be used for the statewide rapid response activities
20 described in section 134(a)(2)(A) of such Act (29
21 U.S.C. 3174(a)(2)(A)) for responding to the
22 COVID–19 national emergency.

23 (2) LOCAL BOARDS.—Of the funds reserved by
24 a Governor under section 133(a)(2) of such Act (29
25 U.S.C. 3173(a)(2)) that remain unobligated for pro-

1 gram year 2019, such funds may be distributed by
2 the Governor not later than 30 days after the date
3 of enactment of this Act to local boards most im-
4 pacted by the coronavirus, at the determination of
5 the Governor, for rapid response activities related to
6 responding to the COVID–19 national emergency.

7 **SEC. 50004. NATIONAL DISLOCATED WORKER GRANTS.**

8 (a) IN GENERAL.—The Secretary shall award grants
9 under section 170 of the Workforce Innovation and Oppor-
10 tunity Act (29 U.S.C. 3225) for the purposes—

11 (1) described subsections (b)(1) and (d) of such
12 section 170 related to the COVID–19 national emer-
13 gency; and

14 (2) of responding to subsequent emergency or
15 disasters or mass layoffs as described in section
16 170(a)(1) of such Act.

17 (b) COVID–19 NATIONAL EMERGENCY RE-
18 SPONSE.—

19 (1) IN GENERAL.—Of funds made available
20 under this section, national dislocated worker grants
21 may be awarded by the Secretary as described in
22 section 170 of the Workforce Innovation and Oppor-
23 tunity Act (29 U.S.C. 3225) to respond to the
24 COVID–19 national emergency.

1 (2) USES OF FUNDS.—Any grant awarded
2 under this section shall used for activities directly
3 supporting the response to the COVID–19 national
4 emergency, and recovery efforts related to such
5 emergency, which shall include the following:

6 (A) TRAINING AND TEMPORARY EMPLOY-
7 MENT.—Training and temporary employment to
8 respond to the COVID–19 national emergency,
9 such as positions or assignments—

10 (i) delivering medicine, food, or other
11 supplies to older individuals, individuals
12 with disabilities, and other individuals with
13 respiratory conditions and other chronic
14 medical disorders;

15 (ii) helping set up quarantine areas
16 and providing assistance to quarantined in-
17 dividuals, including transportation;

18 (iii) organizing and coordinating re-
19 covery, quarantine, or other related activi-
20 ties;

21 (iv) cleaning public buildings, public
22 transportation facilities or equipment, or
23 sanitizing quarantine or treatment areas
24 after their use, or other related cleanup or
25 sanitizing activities; and

1 (v) in the sector directly responding to
2 the COVID–19 national emergency such as
3 childcare, health care, public service, and
4 transportation.

5 (B) LAYOFF RESPONSE.—Activities re-
6 sponding to layoffs of 50 or more individuals
7 laid off by one employer, or areas where there
8 are significant layoffs that significantly increase
9 unemployment in a given community, such as in
10 the hospitality, transportation, manufacturing,
11 and retail industry sectors or occupations.

12 (c) PRIORITY.—In awarding grants under this sec-
13 tion, the Secretary shall give priority to State or local
14 areas most impacted by the COVID–19 national emer-
15 gency as determined by the Secretary.

16 (d) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry this section
18 \$500,000,000 to be expended through fiscal year 2022.

19 **SEC. 50005. STATE DISLOCATED WORKER GRANTS RE-**
20 **SPONDING TO THE COVID–19 EMERGENCY.**

21 (a) DISTRIBUTION OF FUNDS.—

22 (1) STATES.—From the amounts appropriated
23 under subsection (d), the Secretary shall make allot-
24 ments to States in accordance with section 132(b)(2)
25 of the Workforce Innovation and Opportunity Act.

1 (2) LOCAL AREAS.—Not later than 30 days
2 after a State receives an allotment under paragraph
3 (1), the State shall allocate such funds to local areas
4 in accordance with section 133(b)(2)(B) of the
5 Workforce Innovation and Opportunity Act.

6 (b) REQUIRED USES.—Each State and local area
7 shall use the funds received under this section to engage
8 in the dislocated worker response activities described in
9 section 133(b)(2)(B) of the Workforce Innovation and Op-
10 portunity Act (29 U.S.C. 3173(b)(2)(B)) to support layoff
11 aversion and provide necessary supports to unemployed in-
12 dividuals and to employers facing layoffs due to the im-
13 pacts of the COVID–19 national emergency.

14 (c) COVID–19 DISLOCATED WORKER EMERGENCY
15 RESPONSE.—The dislocated worker response activities
16 shall include the following:

17 (1) RAPID RESPONSE ACTIVITIES.—The State,
18 in coordination with impacted local areas, shall carry
19 out rapid response activities as described in section
20 134(a)(2)(A) of the Workforce Innovation and Op-
21 portunity Act (29 U.S.C. 3174) to engage with em-
22 ployers and employees where layoffs have occurred
23 or are occurring as a result of the COVID–19 na-
24 tional emergency, such as short-time compensation
25 programs.

1 (2) DISLOCATED WORKER ACTIVITIES.—Coordi-
2 nating projects for individuals impacted by mass lay-
3 offs as a result of the COVID–19 national emer-
4 gency, including activities targeted at immediate re-
5 employment, career navigation services, supportive
6 services, provision of information on in-demand and
7 declining industries, access to digital literacy skills
8 training, and other layoff support or further layoff
9 aversion strategies through adult employment and
10 training activities.

11 (d) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out the activi-
13 ties described in this section \$2,000,000,000 to be ex-
14 pended through the end of fiscal year 2022.

15 **SEC. 50006. YOUTH WORKFORCE INVESTMENT ACTIVITIES**
16 **RESPONDING TO THE COVID-19 NATIONAL**
17 **EMERGENCY.**

18 (a) DISTRIBUTION OF FUNDS.—

19 (1) STATES.—From the amounts appropriated
20 under subsection (d), the Secretary shall make allot-
21 ments to States in accordance with section 127(b) of
22 the Workforce Innovation and Opportunity Act.

23 (2) LOCAL AREAS.—Not later than 30 days
24 after a State receives an allotment under paragraph
25 (1), the State shall allocate such funds to local areas

1 in accordance with section 128 of the Workforce In-
2 novation and Opportunity Act.

3 (b) USES OF FUNDS.—

4 (1) IN GENERAL.—In using the funds received
5 under this section, each State and local area shall
6 prioritize providing summer and year-round employ-
7 ment for youth, especially for youth age 21 and
8 under, who may be disproportionately impacted by
9 diminished labor market opportunities for summer
10 jobs or year round employment due to the economic
11 impacts of the COVID–19 national emergency.

12 (2) YOUTH WORKFORCE INVESTMENT ACTIVI-
13 TIES.—

14 (A) SUMMER EMPLOYMENT OPPORTUNI-
15 TIES FOR AT-RISK YOUTH.—Of the funds re-
16 ceived under this section, not less than 50 per-
17 cent of funds shall be used to support summer
18 youth employment for in-school and out-of-
19 school youth with a priority for out-of-school
20 youth and youth with multiple barriers to em-
21 ployment, and shall include support for em-
22 ployer partnerships for youth employment and
23 subsidized youth employment.

24 (B) OTHER ACTIVITIES.—Any amounts not
25 used to carry out the activities described in sub-

1 paragraph (A) shall be used by State and local
2 boards for purposes of—

3 (i) supporting in-school and out-of-
4 school youth attach or reattach to edu-
5 cation and career pathways

6 (ii) education and training activities
7 to support credential attainment;

8 (iii) subsidized employment;

9 (iv) work-readiness training and edu-
10 cational programs aligned to career path-
11 ways;

12 (v)(I) engage or establish industry or
13 sector partnerships to determine job needs
14 for youth employment; and

15 (II) conducting outreach to youth and
16 employers;

17 (vi) coaching and mentoring services
18 for participating youth, including career
19 exploration, career counseling, career plan-
20 ning, and college planning services for par-
21 ticipating youth;

22 (vii) coaching and mentoring services
23 for employers on how to successfully em-
24 ploy each participating youth in meaning-
25 ful work;

1 (viii) providing supportive services to
2 youth to enable participation in the pro-
3 gram, including follow-up services for not
4 less than 12 months after the completion
5 of participation, as appropriate;

6 (ix) coordinating activities under this
7 section with State and local education
8 agencies around academic calendars in re-
9 sponse to the COVID-19 national emer-
10 gency; and

11 (x) the activities described in section
12 129(b) of the Workforce Innovation and
13 Opportunity Act (29 U.S.C. 3164).

14 (c) GENERAL PROVISIONS.—

15 (1) LOCAL PLAN.—Activities carried out under
16 this section shall not conflict with the local plan sub-
17 mitted by the local board under section 108 of the
18 Workforce Innovation and Opportunity Act (29
19 U.S.C. 3123), as determined by the Governor.

20 (2) EMPLOYER SHARE OF WAGES.—Any funds
21 dedicated to youth placement in summer or year-
22 round employment under this section shall require
23 not less than 25 percent of the wages of each eligible
24 youth participating in the program to be paid by the
25 employer, except this requirement may be waived for

1 not more than 10 percent of eligible youth partici-
2 pating in the program that have a barrier to employ-
3 ment, which may waived for employers facing finan-
4 cial hardship due to the COVID–19 national emer-
5 gency.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out the activi-
8 ties described in this section \$1,500,000,000 to be ex-
9 pended through the end of fiscal year 2022.

10 **SEC. 50007. ADULT EMPLOYMENT AND TRAINING ACTIVI-**
11 **TIES RESPONDING TO THE COVID–19 NA-**
12 **TIONAL EMERGENCY.**

13 (a) DISTRIBUTION OF FUNDS.—

14 (1) STATES.—From the amounts appropriated
15 under subsection (d), the Secretary shall make allot-
16 ments to States in accordance with section 132(b)(1)
17 of the Workforce Innovation and Opportunity Act.

18 (2) LOCAL AREAS.—Not later than 30 days
19 after a State receives an allotment under paragraph
20 (1), the State shall allocate such funds to local areas
21 in accordance with section 128 of the Workforce In-
22 novation and Opportunity Act.

23 (b) USES OF FUNDS.—

24 (1) IN GENERAL.—Each State and local area
25 shall use the funds received under this section to en-

1 gage in adult employment and training activities as
2 described in section 134 of the Workforce Innovation
3 and Opportunity Act (29 U.S.C. 3174) to provide
4 necessary supports to workers underemployed or
5 most at-risk of unemployment, and coordinate with
6 employers facing economic hardship or employment
7 challenges due to the economic impacts of the
8 COVID–19 national emergency.

9 (2) COVID–19 ADULT EMPLOYMENT AND
10 TRAINING ACTIVITIES.—

11 (A) PRIORITY.—In using funds received
12 under this section, a State and local area shall
13 prioritize training and employment and layoff
14 aversion strategies and services for workers and
15 employers facing economic hardships due to the
16 COVID–19 national emergency, including sup-
17 portive services and career planning by carrying
18 out the activities described in subparagraphs
19 (B) and (C).

20 (B) SERVICES TO EMPLOYERS IMPACTED
21 BY THE COVID–19 NATIONAL EMERGENCY.—
22 The activities described in this subparagraph
23 are activities supporting employee retention
24 strategies for employers facing economic hard-
25 ship as a result of the COVID–19 national

1 emergency, such as on-the-job training, cus-
2 tomized training, and incumbent worker train-
3 ing, with funds used to reimburse employers for
4 50 percent of wages while incumbent workers
5 are in training, and Short-Time Compensation
6 programs.

7 (C) UNDEREMPLOYMENT AND EMPLOY-
8 MENT SUPPORTS.—The activities described in
9 this subparagraph are activities supporting
10 strategies to provide support to workers facing
11 underemployment, individuals seeking work, or
12 who are adversely impacted by economic
13 changes within their communities due to the
14 COVID–19 national emergency, including—

15 (i) work-based learning opportunities
16 including internships, paid work experience
17 opportunities, transitional employment, or
18 apprenticeships;

19 (ii) career navigation supports to en-
20 able workers to find new potential path-
21 ways to in-demand careers and the nec-
22 essary training to support those career
23 pathways;

24 (iii) provision of virtual services and
25 employment and training activities during

1 the period of the COVID–19 national
2 emergency; and

3 (iv) other services and activities as de-
4 scribed under section 134 of the Workforce
5 Innovation and Opportunity Act (29
6 U.S.C. 3174).

7 (c) LOCAL PLAN.—Activities carried out under this
8 section shall not conflict with the local plan submitted by
9 the local board under section 108 of the Workforce Inno-
10 vation and Opportunity Act (29 U.S.C. 3123), as deter-
11 mined by the Governor.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to carry out this section
14 \$1,000,000,000 to be expended through the end of fiscal
15 year 2022.

16 **SEC. 50008. EMPLOYMENT SERVICE COVID–19 NATIONAL**
17 **EMERGENCY RESPONSE FUND.**

18 (a) IN GENERAL.—From the funds appropriated
19 under subsection (c), the Secretary make allotments to
20 States in accordance with section 6 of the Wagner-Peyser
21 Act (29 U.S.C. 49e)

22 (b) USES OF FUNDS.—Funds under this section will
23 provide States additional supports for supporting employ-
24 ment service public employees in providing reemployment
25 services for unemployed and underemployed workers em-

1 ployers impacted by the COVID–19 national emergency,
2 including those receiving unemployment insurance as a re-
3 sult of the emergency, providing for services such as reem-
4 ployment services, job search assistance, job matching
5 services based on experience of workers, and helping em-
6 ployers dealing with layoffs.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out the activi-
9 ties described in this section \$50,000,000 to be expended
10 through the end of fiscal year 2022 and distributed as de-
11 scribed in.

12 **SEC. 50009. GENERAL PROVISION.**

13 (a) SUPPLEMENT AND NOT SUPPLANT.—Any funds
14 made available for this Act shall supplement and not sup-
15 plant other State or local public funds expended for em-
16 ployment and training programs or other activities funded
17 under the Workforce Innovation and Opportunity Act (29
18 U.S.C. 3164).

19 (b) EVALUATIONS.—All activities carried out under
20 this Act shall be subject to—

21 (1) performance accountability as described in
22 section 116 of the Workforce Innovation and Oppor-
23 tunity Act (29 U.S.C. 3141); and

24 (2) rigorous evaluation of such program using
25 research approaches appropriate to the level of de-

1 velopment and maturity of the program, including
2 random assignment or quasi-experimental impact
3 evaluations, implementation evaluations, pre-experi-
4 mental studies, and feasibility studies.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated such sums as necessary
7 for Program Administration and Departmental Manage-
8 ment of the Department of Labor to support the adminis-
9 tration of the funds for this Act.

1 **DIVISION F—FAMILY SUPPORT**
2 **PROVISIONS**

3 **SEC. 60001. CONTINUED SAFE OPERATION OF CHILD WEL-**
4 **FARE PROGRAMS AND SUPPORT FOR OLDER**
5 **FOSTER YOUTH.**

6 (a) FUNDING INCREASES.—

7 (1) GENERAL PROGRAM.—The dollar amount
8 specified in section 477(h)(1) of the Social Security
9 Act for fiscal year 2020 is deemed to be
10 \$185,900,000.

11 (2) EDUCATION AND TRAINING VOUCHERS.—
12 The dollar amount specified in section 477(h)(2) of
13 such Act for fiscal year 2020 is deemed to be
14 \$78,000,000.

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

18 (1) ELIMINATION OF AGE LIMITATIONS ON ELI-
19 GIBILITY FOR ASSISTANCE.—Eligibility for services
20 or assistance under a State program operated pursu-
21 ant to section 477 of the Social Security Act shall
22 be provided without regard to the age of the recipi-
23 ent.

24 (2) SUSPENSION OF WORK AND EDUCATION RE-
25 QUIREMENTS UNDER THE EDUCATION AND TRAIN-

1 ING VOUCHER PROGRAM.—Section 477(i)(3) of the
2 Social Security Act shall be applied and adminis-
3 tered without regard to any work or education re-
4 quirement.

5 (3) AUTHORITY TO WAIVE LIMITATION ON PER-
6 CENTAGE OF FUNDS USED FOR HOUSING ASSIST-
7 ANCE.—The Secretary of Health and Human Serv-
8 ices (in this subsection referred to as the “Sec-
9 retary”) may apply and administer section 477 of
10 the Social Security Act without regard to subsection
11 (b)(3)(B) of such section.

12 (4) AUTHORITY TO WAIVE RULES CONFLICTING
13 WITH NEEDED ASSISTANCE AND SERVICES.—The
14 Secretary may waive any requirement imposed by or
15 under part B or E of title IV of the Social Security
16 Act (including any limitation on the ability of con-
17 tractors pursuant to such part B or E to apply for
18 no-cost contract extensions) that the Secretary
19 deems to be in conflict with using funds made avail-
20 able pursuant to this section or other statutes for
21 the provision of financial, education, work, housing,
22 and other assistance and services needed in response
23 to the public health emergency declared by the Sec-
24 retary pursuant to section 319 of the Public Health
25 Service Act on January 31, 2020, entitled “Deter-

1 mination that a Public Health Emergency Exists
2 Nationwide as the Result of the 2019 Novel
3 Coronavirus”.

4 (5) AUTHORITY OF STATES TO DETERMINE
5 HOW DAILY ACTIVITIES MAY BE CONDUCTED RE-
6 MOTELY.—The Secretary may allow a State to de-
7 termine how daily activities under the State plan de-
8 veloped under part B of title IV of the Social Secu-
9 rity Act and the State program funded under section
10 477 of such Act may be conducted through elec-
11 tronic means to comply with public health guidelines
12 relating to social distancing, including conducting
13 any required court proceedings pertaining to chil-
14 dren in care. In making any such determination, the
15 State shall work to ensure that the safety and health
16 of each child in care remains paramount.

17 (6) COUNTING OF REMOTE CASEWORKER VISITS
18 AS IN-PERSON VISITS.—In the case of a foster child
19 who has attained 18 years of age and with respect
20 to whom foster care maintenance payments are
21 being made under a State plan approved under part
22 E of title IV of the Social Security Act, caseworker
23 contact with the child that includes visual and audi-
24 tory contact and which is conducted solely by elec-
25 tronic means is deemed an in-person visit to the

1 child by the caseworker for purposes of section
2 424(f)(1)(A) of such Act if the child is visited by the
3 caseworker in person not less than once every 6
4 months while in such care.

5 (7) ELIMINATION OF EDUCATION AND EMPLOY-
6 MENT REQUIREMENTS FOR CERTAIN FOSTER
7 YOUTH.—The Secretary may waive the applicability
8 of subclauses (I) through (IV) of section
9 475(8)(B)(iv) of the Social Security Act.

10 (c) STATE DEFINED.—In subsection (a), the term
11 “State” has the meaning given the term in section
12 1101(a) of the Social Security Act for purposes of title
13 IV of the Social Security Act, and includes an Indian tribe,
14 tribal organization, or tribal consortium with an applica-
15 tion and plan approved under this section 477(j) of such
16 Act for fiscal year 2020.

17 **SEC. 60002. ALLOWING HOME VISITING PROGRAMS TO CON-**
18 **TINUE SERVING FAMILIES SAFELY.**

19 (a) IN GENERAL.—For purposes of section 511 of the
20 Social Security Act, during the period that begins on Feb-
21 ruary 1, 2020, and ends with the close of calendar year
22 2020—

23 (1) a virtual home visit shall be considered a
24 home visit;

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

5 (3) funds provided for such a program may be
6 used—

7 (A) to train home visitors in conducting a
8 virtual home visit and in emergency prepared-
9 ness and response planning for families served;

10 (B) for the acquisition by families enrolled
11 in the program of such technological means as
12 are needed to conduct and support a virtual
13 home visit; and

14 (C) to provide emergency supplies (such as
15 diapers, formula, non-perishable food, water,
16 hand soap and hand sanitizer) to families
17 served.

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

21 (c) AUTHORITY TO DELAY DEADLINES.—

22 (1) IN GENERAL.—The Secretary of Health and
23 Human Services may extend the deadline by which
24 a requirement of section 511 of the Social Security

1 Act must be met, by such period of time as the Sec-
2 retary deems appropriate.

3 (2) GUIDANCE.—The Secretary shall provide to
4 eligible entities funded under section 511 of the So-
5 cial Security Act information on the parameters
6 used in extending a deadline under paragraph (1) of
7 this subsection.

8 **SEC. 60003. EMERGENCY FLEXIBILITY FOR CHILD SUPPORT**
9 **PROGRAMS.**

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

13 (1) The Secretary of Health and Human Serv-
14 ices (in this subsection referred to as the “Sec-
15 retary”) may increase any percentage in effect for
16 purposes of section 455(a)(1) of the Social Security
17 Act to not more than 100 percent.

18 (2) On application of an Indian tribe therefor,
19 the Secretary may waive any matching funds re-
20 quirement imposed on the tribe under section 455(f)
21 of such Act.

22 (3) Paragraphs (2) and (8) of section 409(a) of
23 such Act shall have no force or effect.

24 (4) The Secretary may exempt a State from
25 any requirement of section 466 of such Act.

1 (5) The Secretary may not impose a penalty or
2 take any other adverse action against a State pursu-
3 ant to section 452(g)(1) of such Act for failure to
4 achieve a paternity establishment percentage of less
5 than 90 percent.

6 (6) The Secretary may not find that the pater-
7 nity establishment percentage for a State is not
8 based on reliable data for purposes of section
9 452(g)(1) of such Act, and the Secretary may not
10 determine that the data which a State submitted
11 pursuant to section 452(a)(4)(C)(i) of such Act and
12 which is used in determining a performance level is
13 not complete or reliable for purposes of section
14 458(b)(5)(B) of such Act, on the basis of the failure
15 of the State to submit OCSE Form 396 or 34 in a
16 timely manner.

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

21 (8) The Secretary may not disapprove a State
22 plan submitted pursuant to part D of title IV of
23 such Act for failure of the plan to meet the require-
24 ment of section 454(1) of such Act, and may not im-
25 pose a penalty or take any other adverse action

1 against a State with such a plan that meets that re-
2 quirement for failure to comply with that require-
3 ment.

4 (9) To the extent that a preceding provision of
5 this section applies with respect to a provision of law
6 applicable to a program operated by an Indian tribe
7 or tribal organization (as defined in subsections (e)
8 and (l) of section 4 of the Indian Self-Determination
9 and Education Assistance Act (25 U.S.C. 450b)),
10 that preceding provision shall apply with respect to
11 the Indian tribe or tribal organization.

12 (b) STATE DEFINED.—In subsection (a), the term
13 “State” has the meaning given the term in section
14 1101(a) of the Social Security Act for purposes of title
15 IV of such Act.

16 **SEC. 60004. EMERGENCY FLEXIBILITY FOR STATE TANF**
17 **PROGRAMS.**

18 (a) STATE PROGRAMS.—Sections 407 and 408(a)(7)
19 of the Social Security Act shall have no force or effect
20 during the applicable period, and paragraphs (3), (9),
21 (14), and (15) of section 409(a) of such Act shall not
22 apply with respect to conduct engaged in during the pe-
23 riod.

24 (b) TRIBAL PROGRAMS.—The minimum work partici-
25 pation requirements and time limits established under sec-

1 tion 412(c) of the Social Security Act shall have no force
2 or effect during the applicable period, and the penalties
3 established under such section shall not apply with respect
4 to conduct engaged in during the period.

5 (c) PENALTY FOR NONCOMPLIANCE.—

6 (1) IN GENERAL.—If the Secretary of Health
7 and Human Services finds that a State or an Indian
8 tribe has imposed a work requirement as a condition
9 of receiving assistance, or a time limit on the provi-
10 sion of assistance, under a program funded under
11 part A of title IV of the Social Security Act or any
12 program funded with qualified State expenditures
13 (as defined in section 409(a)(7)(B)(i) of such Act)
14 during the applicable period, or has imposed a pen-
15 alty for failure to comply with a work requirement
16 during the period, the Secretary shall reduce the
17 grant payable to the State under section 403(a)(1)
18 of such Act or the grant payable to the tribe under
19 section 412(a)(1) of such Act, as the case may be,
20 for fiscal year 2021 by an amount equal to 5 percent
21 of the State or tribal family assistance grant, as the
22 case may be.

23 (2) APPLICABILITY OF CERTAIN PROVISIONS.—

24 For purposes of subsections (c) and (d) of section
25 409 of the Social Security Act, paragraph (1) of this

1 subsection shall be considered to be included in sec-
2 tion 409(a) of such Act.

3 (d) DEFINITIONS.—In this section:

4 (1) APPLICABLE PERIOD.—The term “applica-
5 ble period” means the period that begins on March
6 1, 2020, and ends with the close of calendar year
7 2020.

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

12 (3) OTHER TERMS.—Each other term has the
13 meaning given the term in section 419 of the Social
14 Security Act.

1 **DIVISION G—HEALTH**
2 **PROVISIONS**
3 **TITLE _____—CHILD CARE FOR**
4 **ESSENTIAL WORKERS**

5 **SEC. 7 ____ 01. STATE FUNDING TO ENSURE THAT ESSENTIAL**
6 **WORKERS CAN ACCESS CHILD CARE.**

7 (a) INCREASE IN FUNDING.—

8 (1) IN GENERAL.—The amount specified in
9 subsection (c) of section 2003 of the Social Security
10 Act for purposes of subsections (a) and (b) of such
11 section is deemed to be \$2,550,000,000 for fiscal
12 year 2020, of which \$850,000,000 shall be obligated
13 by States during calendar year 2020 in accordance
14 with subsection (b) of this section.

15 (2) APPROPRIATION.—Out of any money in the
16 Treasury of the United States not otherwise appro-
17 priated, there are appropriated \$850,000,000 for fis-
18 cal year 2020 to carry out this section.

19 (b) RULES GOVERNING USE OF ADDITIONAL
20 FUNDS.—

21 (1) IN GENERAL.—Funds are used in accord-
22 ance with this subsection if—

23 (A) the funds are used for—

24 (i) child care services for a child of an
25 essential worker; or

1 (ii) daytime care services or other
2 adult protective services for an individual
3 who—

4 (I) is a dependent, or a member
5 of the household of, an essential work-
6 er; and

7 (II) requires the services;

8 (B) the funds are provided to reimburse an
9 essential worker for the cost of obtaining the
10 services (including child care services obtained
11 on or after the date the Secretary of Health
12 and Human Services declared a public health
13 emergency pursuant to section 319 of the Pub-
14 lic Health Service Act on January 31, 2020, en-
15 titled “Determination that a Public Health
16 Emergency Exists Nationwide as the Result of
17 the 2019 Novel Coronavirus”), to a provider of
18 child care services, or to establish a temporary
19 child care facility operated by a State or local
20 government;

21 (C) eligibility for the funds or services, and
22 the amount of funds or services provided, is not
23 conditioned on a means test;

24 (D) the funds are used subject to the limi-
25 tations in section 2005 of the Social Security

1 Act, except that, for purposes of this subpara-
2 graph—

3 (i) paragraphs (3), (5), and (8) of sec-
4 tion 2005(a) of such Act shall not apply;
5 and

6 (ii)(I) the limitation in section
7 2005(a)(7) of such Act shall not apply
8 with respect to any standard which the
9 State involved determines would impede
10 the ability of the State to provide emer-
11 gency temporary care to a child, depend-
12 ent, or household member referred to in
13 subparagraph (A) of this paragraph; and

14 (II) if the State determines that such
15 a standard would be so impeding, the
16 State shall report the determination to the
17 Secretary, separately from the annual re-
18 port to the Secretary by the State;

19 (E) the funds are used to supplement, not
20 supplant, State general revenue funds for child
21 care assistance;

22 (F) the funds are not used for child care
23 costs that are—

24 (i) covered by funds provided under
25 the Child Care and Development Block

1 Grant Act of 1990 or section 418 of the
2 Social Security Act; or

3 (ii) reimbursable by the Federal
4 Emergency Management Agency; and

5 (G) the funds are used in consultation with
6 the lead agency for administration of the Child
7 Care and Development Fund.

8 (2) ESSENTIAL WORKER DEFINED.—In para-
9 graph (1), the term “essential worker” means—

10 (A) a health sector employee;

11 (B) an emergency response worker;

12 (C) a sanitation worker;

13 (D) a worker at a business which a State
14 or local government official has determined
15 must remain open to serve the public during the
16 emergency referred to in paragraph (1)(B); and

17 (E) any other worker who cannot telework,
18 and whom the State deems to be essential dur-
19 ing the emergency referred to in paragraph
20 (1)(B).

1 **DIVISION H—EMERGENCY**
2 **CORONAVIRUS PANDEMIC**
3 **UNEMPLOYMENT COMPENSA-**
4 **TION ACT OF 2020**

5 **SEC. 80001. SHORT TITLE.**

6 This division may be cited as the .

7 **SEC. 80002. TABLE OF CONTENTS.**

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

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—FEDERAL BENEFIT ENHANCEMENTS

Sec. 101. Emergency increase in unemployment compensation benefits.

Sec. 102. Temporary financing of short-time compensation payments in States
with programs in law.

Sec. 103. Temporary financing of short-time compensation agreements.

Sec. 104. Emergency flexibility for short-time compensation.

Sec. 105. Grants for short-time compensation programs.

Sec. 106. Emergency extended benefit period for 2020.

TITLE II—EXPANDED ELIGIBILITY FOR UNEMPLOYMENT
COMPENSATION

Sec. 201. Pandemic Self-Employment and Job Entrant Compensation.

TITLE III—RELIEF FOR GOVERNMENTAL AND NONPROFIT
ENTITIES

Sec. 301. Emergency unemployment relief for governmental entities and non-
profit organizations.

TITLE IV—EMERGENCY ASSISTANCE FOR RAIL WORKERS

Sec. 401. Treatment of payments from the Railroad Unemployment Insurance
Account.

Sec. 402. Waiver of the 7-day waiting period for benefits under the Railroad
Unemployment Insurance Act.

Sec. 403. Enhanced benefits under the Railroad Unemployment Insurance Act.

1 **TITLE I—FEDERAL BENEFIT**
2 **ENHANCEMENTS**

3 **SEC. 80101. EMERGENCY INCREASE IN UNEMPLOYMENT**
4 **COMPENSATION BENEFITS.**

5 (a) FEDERAL-STATE AGREEMENTS.—Any State
6 which desires to do so may enter into and participate in
7 an agreement under this section with the Secretary of
8 Labor (hereinafter in this section referred to as the “Sec-
9 retary”). Any State which is a party to an agreement
10 under this section may, upon providing 30 days’ written
11 notice to the Secretary, terminate such agreement.

12 (b) PROVISIONS OF AGREEMENT.—

13 (1) IN GENERAL.—Any agreement under this
14 section shall provide the following:

15 (A) FEDERAL PANDEMIC UNEMPLOYMENT
16 COMPENSATION.—The State agency of the
17 State will make payments of regular compensa-
18 tion to individuals in amounts and to the extent
19 that they would be determined if the State law
20 of the State were applied, with respect to any
21 week for which the individual is (disregarding
22 this section) otherwise entitled under the State
23 law to receive regular compensation, as if such
24 State law had been modified in a manner such
25 that the amount of regular compensation (in-

1 including dependents' allowances) payable for any
2 week shall be equal to—

3 (i) the amount determined under the
4 State law (before the application of this
5 paragraph), plus

6 (ii) an additional amount of \$600 (in
7 this section referred to as “Federal Pan-
8 demic Unemployment Compensation”).

9 (B) FEDERAL PANDEMIC SHORT-TIME
10 COMPENSATION.—In the case of a State that
11 provides under the State law for the payment of
12 short-time compensation under a short-time
13 compensation program (as defined in section
14 3306(v) of the Internal Revenue Code of 1986),
15 the State agency of the State will make pay-
16 ments of compensation (as defined in subsection
17 (h) of such section) to employees participating
18 in such program in amounts and to the extent
19 that they would be determined under such pro-
20 gram if the State law of the State were applied,
21 with respect to any week for which the indi-
22 vidual is (disregarding this section) otherwise
23 eligible under the program under the State law
24 to receive such compensation, as if such State
25 law had been modified in a manner such that

1 the amount of compensation payable for any
2 week shall be equal to the amount determined
3 under the State law (before the application of
4 this paragraph) plus \$300 (in this section re-
5 ferred to as “Federal Pandemic Short-Time
6 Compensation”).

7 (2) ALLOWABLE METHODS OF PAYMENT.—Any
8 Federal Pandemic Unemployment Compensation or
9 Federal Pandemic Short-Time Compensation pro-
10 vided for in accordance with paragraph (1) shall be
11 payable either—

12 (A) as an amount which is paid at the
13 same time and in the same manner as any com-
14 pensation otherwise payable for the week in-
15 volved; or

16 (B) at the option of the State, by pay-
17 ments which are made separately from, but on
18 the same weekly basis as, any compensation
19 otherwise payable.

20 (c) NONREDUCTION RULE.—An agreement under
21 this section shall not apply (or shall cease to apply) with
22 respect to a State upon a determination by the Secretary
23 that the method governing the computation of regular
24 compensation under the State law of that State has been
25 modified in a manner such that the maximum benefit enti-

1 tlement and the average weekly benefit amount of regular
2 compensation (or short-time compensation in the case of
3 a State described in subsection (b)(1)(B)) which will be
4 payable during the period of the agreement (determined
5 disregarding any Federal Pandemic Unemployment Com-
6 pensation or Federal Pandemic Short-Time Compensa-
7 tion) will be less than the maximum benefit entitlement
8 and the average weekly benefit amount of regular com-
9 pensation (or short-time compensation) which would oth-
10 erwise have been payable during such period under the
11 State law, as in effect on January 1, 2020.

12 (d) PAYMENTS TO STATES.—

13 (1) IN GENERAL.—

14 (A) FULL REIMBURSEMENT.—There shall
15 be paid to each State which has entered into an
16 agreement under this section an amount equal
17 to 100 percent of—

18 (i) the total amount of Federal Pan-
19 demic Unemployment Compensation paid
20 to individuals by the State pursuant to
21 such agreement;

22 (ii) the total amount of Federal Pan-
23 demic Short-Time Compensation paid to
24 individuals by the State pursuant to such
25 agreement; and

1 (iii) any additional administrative ex-
2 penses incurred by the State by reason of
3 such agreement (as determined by the Sec-
4 retary).

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

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

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

5 (e) APPLICABILITY.—

6 (1) IN GENERAL.—An agreement entered into
7 under this section shall apply to weeks of unemploy-
8 ment—

9 (A) beginning on or after March 13, 2020;

10 and

11 (B) ending on or before January 1, 2021.

12 (2) TRANSITION RULE FOR INDIVIDUALS RE-
13 MAINING ENTITLED TO REGULAR COMPENSATION AS
14 OF JUNE 30, 2021.—In the case of any individual
15 who, as of the date specified in paragraph (1)(B),
16 has not yet exhausted all rights to regular com-
17 pensation under the State law of a State with re-
18 spect to a benefit year that began before such date
19 (or short-time compensation in the case of a State
20 described in subsection (b)(1)(B)), Federal Pan-
21 demic Unemployment Compensation or Federal Pan-
22 demic Short-Time Compensation (as the case may
23 be) shall continue to be payable to such individual
24 for any week beginning on or after such date for
25 which the individual is otherwise eligible for regular

1 compensation (or short-time compensation) with re-
2 spect to such benefit year.

3 (3) TERMINATION.—Notwithstanding any other
4 provision of this subsection, no Federal Pandemic
5 Unemployment Compensation or Federal Pandemic
6 Short-Time Compensation shall be payable for any
7 week beginning after June 30, 2021.

8 (f) FRAUD AND OVERPAYMENTS.—

9 (1) IN GENERAL.—If an individual knowingly
10 has made, or caused to be made by another, a false
11 statement or representation of a material fact, or
12 knowingly has failed, or caused another to fail, to
13 disclose a material fact, and as a result of such false
14 statement or representation or of such nondisclosure
15 such individual has received an amount of Federal
16 Pandemic Unemployment Compensation or Federal
17 Pandemic Short-Time Compensation to which such
18 individual was not entitled, such individual—

19 (A) shall be ineligible for further Federal
20 Pandemic Unemployment Compensation or
21 Federal Pandemic Short-Time Compensation in
22 accordance with the provisions of the applicable
23 State unemployment compensation law relating
24 to fraud in connection with a claim for unem-
25 ployment compensation; and

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

3 (2) REPAYMENT.—In the case of individuals
4 who have received amounts of Federal Pandemic
5 Unemployment Compensation or Federal Pandemic
6 Short-Time Compensation to which they were not
7 entitled, the State shall require such individuals to
8 repay the amounts of such Federal Pandemic Unem-
9 ployment Compensation or Federal Pandemic Short-
10 Time Compensation to the State agency, except that
11 the State agency may waive such repayment if it de-
12 termines that—

13 (A) the payment of such Federal Pandemic
14 Unemployment Compensation or Federal Pan-
15 demic Short-Time Compensation was without
16 fault on the part of any such individual; and

17 (B) such repayment would be contrary to
18 equity and good conscience.

19 (3) RECOVERY BY STATE AGENCY.—

20 (A) IN GENERAL.—The State agency may
21 recover the amount to be repaid, or any part
22 thereof, by deductions from any Federal Pan-
23 demic Unemployment Compensation or Federal
24 Pandemic Short-Time Compensation payable to
25 such individual or from any unemployment

1 compensation payable to such individual under
2 any State or Federal unemployment compensa-
3 tion law administered by the State agency or
4 under any other State or Federal law adminis-
5 tered by the State agency which provides for
6 the payment of any assistance or allowance with
7 respect to any week of unemployment, during
8 the 3-year period after the date such individuals
9 received the payment of the Federal Pandemic
10 Unemployment Compensation or Federal Pan-
11 demic Short-Time Compensation to which they
12 were not entitled, in accordance with the same
13 procedures as apply to the recovery of overpay-
14 ments of regular unemployment benefits paid
15 by the State.

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

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

1 tion law, and only in that manner and to that ex-
2 tent.

3 (g) APPLICATION TO OTHER UNEMPLOYMENT BENE-
4 FITS.—

5 (1) IN GENERAL.—Each agreement under this
6 section shall include provisions to provide that the
7 purposes of the preceding provisions of this section
8 shall be applied with respect to unemployment bene-
9 fits described in subsection (i)(3) to the same extent
10 and in the same manner as if those benefits were
11 regular compensation.

12 (2) ELIGIBILITY AND TERMINATION RULES.—
13 Federal Pandemic Unemployment Compensation—

14 (A) shall not be payable, pursuant to this
15 subsection, with respect to any unemployment
16 benefits described in subsection (i)(3) for any
17 week beginning on or after the date specified in
18 subsection (e)(1)(B), except in the case of an
19 individual who was eligible to receive Federal
20 Pandemic Unemployment Compensation in con-
21 nection with any regular compensation or any
22 unemployment benefits described in subsection
23 (i)(3) for any period of unemployment ending
24 before such date; and

1 (B) shall in no event be payable for any
2 week beginning after the date specified in sub-
3 section (e)(3).

4 (h) TREATMENT OF FEDERAL PANDEMIC UNEM-
5 PLOYMENT COMPENSATION AND FEDERAL PANDEMIC
6 SHORT-TIME COMPENSATION PAYMENTS.—

7 (1) PAYMENT TO BE DISREGARDED FOR PUR-
8 POSES OF ALL FEDERAL AND FEDERALLY ASSISTED
9 PROGRAMS.—A Federal Pandemic Unemployment
10 Compensation or Federal Pandemic Short-Time
11 Compensation payment shall not be regarded as in-
12 come and shall not be regarded as a resource for the
13 month of receipt and the following 9 months, for
14 purposes of determining the eligibility of the recipi-
15 ent (or the recipient’s spouse or family) for benefits
16 or assistance, or the amount or extent of benefits or
17 assistance, under any Federal program or under any
18 State or local program financed in whole or in part
19 with Federal funds.

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

21 (1) the terms “compensation”, “regular com-
22 pensation”, “benefit year”, “State”, “State agency”,
23 “State law”, and “week” have the respective mean-
24 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);

3 (2) the term “maximum benefit entitlement”
4 means the amount of regular compensation payable
5 to an individual with respect to the individual’s ben-
6 efit year; and

7 (3) any reference to unemployment benefits de-
8 scribed in this paragraph shall be considered to refer
9 to—

10 (A) extended compensation (as defined by
11 section 205 of the Federal-State Extended Un-
12 employment Compensation Act of 1970); and

13 (B) unemployment compensation (as de-
14 fined by section 85(b) of the Internal Revenue
15 Code of 1986) provided under any program ad-
16 ministered by a State under an agreement with
17 the Secretary.

18 **SEC. 80102. TEMPORARY FINANCING OF SHORT-TIME COM-**
19 **PENSATION PAYMENTS IN STATES WITH PRO-**
20 **GRAMS IN LAW.**

21 (a) PAYMENTS TO STATES.—

22 (1) IN GENERAL.—Subject to paragraph (3),
23 there shall be paid to a State an amount equal to
24 100 percent of the amount of short-time compensa-
25 tion paid under a short-time compensation program

1 (as defined in section 3306(v) of the Internal Rev-
2 enue Code of 1986) under the provisions of the
3 State law.

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

17 (3) LIMITATIONS ON PAYMENTS.—

18 (A) GENERAL PAYMENT LIMITATIONS.—

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

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

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

11 (1) beginning on or after March 13, 2020; and

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

13 (c) NEW PROGRAMS.—Subject to paragraphs (1)(B)
14 and (2) of subsection (b), if at any point after the date
15 of the enactment of this Act the State enacts a State law
16 providing for the payment of short-time compensation
17 under a short-time compensation program that meets the
18 definition of such a program under section 3306(v) of the
19 Internal Revenue Code of 1986, the State shall be eligible
20 for payments under this section after the effective date
21 of such enactment.

22 (d) FUNDING AND CERTIFICATIONS.—

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

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

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

7 (e) DEFINITIONS.—In this section:

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

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

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

20 **SEC. 80103. TEMPORARY FINANCING OF SHORT-TIME COM-**
21 **PENSATION AGREEMENTS.**

22 (a) FEDERAL-STATE AGREEMENTS.—

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

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

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

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

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

17 (2) LIMITATIONS ON PLANS.—

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

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

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

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

19 (c) PAYMENTS TO STATES.—

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

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

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

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

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

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

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

3 (1) beginning on or after March 13, 2020; and

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

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

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

15 (2) subject to paragraphs (1)(B) and (2) of sec-
16 tion 2(b), shall be eligible to receive payments under
17 section 2 after the effective date of such State law.

18 (f) DEFINITIONS.—In this section:

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

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

1 **SEC. 80104. EMERGENCY FLEXIBILITY FOR SHORT-TIME**
2 **COMPENSATION.**

3 Notwithstanding any other law, if a State modifies
4 its unemployment compensation law and policies with re-
5 spect to availability for work and work search test require-
6 ments for short-time compensation on an emergency tem-
7 porary basis as needed to respond to the spread of
8 COVID–19, such modifications shall be disregarded for
9 the purposes of applying section 303 of the Social Security
10 Act and section 3306(v)(5) of the Internal Revenue Code
11 of 1986 to such State law.

12 **SEC. 80105. GRANTS FOR SHORT-TIME COMPENSATION**
13 **PROGRAMS.**

14 (a) GRANTS.—

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

21 (2) FOR PROMOTION AND ENROLLMENT.—The
22 Secretary shall award grants to States that are eligi-
23 ble and submit plans for a grant under paragraph
24 (1) for such States to promote and enroll employers
25 in short-time compensation programs (as so de-
26 fined).

1 (3) ELIGIBILITY.—

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

5 (B) CLARIFICATION.—A State admin-
6 istering a short-time compensation program
7 that does not meet the definition of a short-
8 time compensation program under section
9 3306(v) of the Internal Revenue Code of 1986,
10 and a State with an agreement under section 3,
11 shall not be eligible to receive a grant under
12 this section until such time as the State law of
13 the State provides for payments under a short-
14 time compensation program that meets such
15 definition and such law.

16 (b) AMOUNT OF GRANTS.—

17 (1) IN GENERAL.—The maximum amount avail-
18 able for making grants to a State under paragraphs
19 (1) and (2) shall be equal to the amount obtained
20 by multiplying \$100,000,000 (less the amount used
21 by the Secretary under subsection (e)) by the same
22 ratio as would apply under subsection (a)(2)(B) of
23 section 903 of the Social Security Act (42 U.S.C.
24 1103) for purposes of determining such State's
25 share of any excess amount (as described in sub-

1 section (a)(1) of such section) that would have been
2 subject to transfer to State accounts, as of October
3 1, 2019, under the provisions of subsection (a) of
4 such section.

5 (2) AMOUNT AVAILABLE FOR DIFFERENT
6 GRANTS.—Of the maximum incentive payment deter-
7 mined under paragraph (1) with respect to a
8 State—

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

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

13 (c) GRANT APPLICATION AND DISBURSAL.—

14 (1) APPLICATION.—Any State seeking a grant
15 under paragraph (1) or (2) of subsection (a) shall
16 submit an application to the Secretary at such time,
17 in such manner, and complete with such information
18 as the Secretary may require. In no case may the
19 Secretary award a grant under this section with re-
20 spect to an application that is submitted after De-
21 cember 31, 2020.

22 (2) NOTICE.—The Secretary shall, within 30
23 days after receiving a complete application, notify
24 the State agency of the State of the Secretary's find-
25 ings with respect to the requirements for a grant

1 under paragraph (1) or (2) (or both) of subsection
2 (a).

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

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

20 (A) State law is not otherwise eligible for
21 certification under section 303 of the Social Se-
22 curity Act (42 U.S.C. 503) or approvable under
23 section 3304 of the Internal Revenue Code of
24 1986; or

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

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

11 (1) the creation or support of rapid response
12 teams to advise employers about alternatives to lay-
13 offs;

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

18 (3) the development or enhancement of systems
19 to automate—

20 (A) the submission and approval of plans;
21 and

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

24 (e) ADMINISTRATION.—The Secretary is authorized
25 to use 0.25 percent of the funds available under subsection

1 (g) to provide for outreach and to share best practices with
2 respect to this section and short-time compensation pro-
3 grams.

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

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

12 (2) failed to meet appropriate requirements
13 with respect to such program (as established by the
14 Secretary).

15 (g) FUNDING.—There are appropriated for fiscal
16 year 2020, out of moneys in the Treasury not otherwise
17 appropriated, to the Secretary, \$100,000,000 to carry out
18 this section, to remain available until December 31, 2020.

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

22 (i) DEFINITIONS.—In this section:

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

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

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

10 **SEC. 80106. EMERGENCY EXTENDED BENEFIT PERIOD FOR**
11 **2020.**

12 (a) IN GENERAL.—For purposes of section 203 of the
13 Federal-State Extended Unemployment Compensation Act
14 of 1970 (26 U.S.C. 3304 note), and notwithstanding any
15 other provision of such section, an emergency extended
16 benefit period shall be deemed to occur with respect to
17 each State as follows:

18 (1) in the case of a State with respect to which
19 an extended benefit period is not in effect (without
20 regard to this section) for the 1st week beginning
21 after the date of enactment of this Act, an emer-
22 gency extended benefit period is deemed to begin
23 with such week with respect to such State; and

24 (2) in the case of a State with respect to which
25 an extended benefit period is otherwise in effect

1 (without regard to this section) for such week, an
2 emergency extended benefit period is deemed to
3 begin with the week following the last week of such
4 extended benefit period.

5 (b) SPECIAL RULE WITH RESPECT TO CERTAIN
6 STATES.—In the case of a State described in subsection
7 (a)(1) with respect to which an extended benefit period
8 would (but for this section) begin during an emergency
9 extended benefit period, such extended benefit period shall
10 begin with the week following the last week of such emer-
11 gency extended benefit period.

12 (c) ADDITIONAL FUNDING FOR EXTENDED COM-
13 PENSATION ACCOUNTS.—In the case of a State described
14 in (a)(2) or (b), section 202(b)(1) the Federal-State Ex-
15 tended Unemployment Compensation Act of 1970 (26
16 U.S.C. 3304 note) shall be applied for weeks during an
17 emergency extended benefit period by substituting for
18 each of “50”, “thirteen”, and “thirty-nine” such higher
19 number as the State determines is necessary to account
20 for such emergency extended benefit period.

21 (d) TREATMENT OF EMERGENCY EXTENDED BEN-
22 EFIT PERIOD UNDER FSEUCA.—The provisions of the
23 Federal-State Extended Unemployment Compensation Act
24 of 1970 (26 U.S.C. 3304 note) shall apply to a State with
25 respect to which an emergency extended benefit period is

1 in effect in the same manner as such provisions apply to
2 a State with respect to which an extended benefit period
3 is in effect.

4 **TITLE II—EXPANDED ELIGI-**
5 **BILITY FOR UNEMPLOYMENT**
6 **COMPENSATION**

7 **SEC. 80201. PANDEMIC SELF-EMPLOYMENT AND JOB EN-**
8 **TRANT COMPENSATION.**

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

16 (b) **PROVISIONS OF AGREEMENT.**—

17 (1) **PANDEMIC SELF-EMPLOYMENT AND JOB**
18 **ENTRANT COMPENSATION.**—Any agreement under
19 subsection (a) shall provide that the State agency of
20 the State will make payments on a weekly basis (in
21 this section referred to as “Pandemic Self-Employ-
22 ment and Job Entrant Compensation”) to unem-
23 ployed individuals who—

24 (A) have no rights to regular compensation
25 with respect to a week under the State law or

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

4 (B) are not receiving any State or private
5 paid leave (as defined in subsection (g)) with
6 respect to such week; and

7 (C) attest that—

8 (i) the individual is not able or avail-
9 able to work due to COVID–19 with re-
10 spect to such week (as determined under
11 paragraph (4)); and

12 (ii) but for COVID–19 (as determined
13 under paragraph (4)), the individual would
14 be able and available to work during such
15 week.

16 (2) AMOUNT OF PANDEMIC SELF-EMPLOYMENT
17 AND JOB ENTRANT COMPENSATION.—

18 (A) IN GENERAL.—Except as provided in
19 subparagraph (B), the amount of Pandemic
20 Self-Employment and Job Entrant Compensa-
21 tion payable to an individual for a week under
22 an agreement under subsection (a) shall be
23 \$300.

24 (B) HIGHER PAYMENT FOR CERTAIN INDI-
25 VIDUALS.—Notwithstanding subparagraph (A),

1 the amount of Pandemic Self-Employment and
2 Job Entrant Compensation payable to an indi-
3 vidual for a week under an agreement under
4 subsection (a) shall be an amount equal to the
5 sum of \$600 plus $\frac{1}{4}$ of the average weekly ben-
6 efit amount of regular compensation paid to eli-
7 gible individuals in the State as of January 1,
8 2020, but only in the case of an individual who
9 attests (and furnishes such supporting docu-
10 mentation as the State agency may request)
11 that—

12 (i) the individual had net earnings
13 from self-employment (as defined in sec-
14 tion 1402(a) of the Internal Revenue Code
15 of 1986) of not less than \$2,500 during
16 the 6-month period ending on the date of
17 enactment of this Act; or

18 (ii) the individual had a contract or
19 other offer of employment suspended or re-
20 scinded due to COVID-19.

21 (3) DURATION OF BENEFIT PAYMENTS.—An in-
22 dividual who becomes entitled to Pandemic Self-Em-
23 ployment and Job Entrant Compensation paid by a
24 State under an agreement under subsection (a) shall
25 receive such benefit for not more than 26 weeks.

1 (4) NOT ABLE OR AVAILABLE TO WORK DUE TO
2 COVID-19.—For purposes of this subsection, an indi-
3 vidual shall be considered to be not able or available
4 to work due to COVID-19 with respect to a week
5 during any part of which the individual is not able
6 or available to work because—

7 (A) the individual has a current diagnosis
8 of COVID-19;

9 (B) the individual is under quarantine (in-
10 cluding self-imposed quarantine), at the instruc-
11 tion of a health care provider, employer, or a
12 local, State, or Federal official, in order to pre-
13 vent the spread of COVID-19;

14 (C) the individual is unable to engage in
15 self-employment (in the case of an individual
16 described in paragraph (2)(B)(i)) or seek suit-
17 able employment because of closings or restric-
18 tions on movement related to COVID-19;

19 (D) the individual is engaged in caregiving
20 (without compensation) for an individual who
21 has a current diagnosis of COVID-19 or is
22 under quarantine as described in subparagraph
23 (B)); or

24 (E) the individual is engaged in caregiving
25 (without compensation), because of the

1 COVID-19-related closing of a school or other
2 care facility or care program, for a child or
3 other individual unable to provide self-care.

4 (5) COORDINATION WITH CERTAIN TAX CRED-
5 ITS.—Notwithstanding paragraph (1), no individual
6 may become entitled to Pandemic Self-Employment
7 and Job Entrant Compensation under an agreement
8 under subsection (a) unless the individual makes an
9 irrevocable election (at such time and in such man-
10 ner as the Secretary of the Treasury may provide)
11 to have sections 7002 and 7004 of the Families
12 First Coronavirus Response Act not apply with re-
13 spect to such individual. An individual who makes
14 such an election shall not be treated as an individual
15 to whom a credit is allowable under such sections.

16 (c) PAYMENTS TO STATES.—

17 (1) IN GENERAL.—

18 (A) FULL REIMBURSEMENT.—There shall
19 be paid to each State which has entered into an
20 agreement under this section an amount equal
21 to 100 percent of—

22 (i) the total amount of Pandemic Self-
23 Employment and Job Entrant Compensa-
24 tion paid to individuals by the State pursu-
25 ant to such agreement; and

1 (ii) any additional administrative ex-
2 penses incurred by the State by reason of
3 such agreement (as determined by the Sec-
4 retary).

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

21 (2) FUNDING.—

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

1 Trust Fund (as established by section 904(a) of
2 such Act (42 U.S.C. 1104(a)) shall be used to
3 make payments to States pursuant to para-
4 graph (1).

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

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

22 (d) APPLICABILITY.—

23 (1) IN GENERAL.—An agreement entered into
24 under this section shall apply with respect to
25 weeks—

1 (A) beginning on or after March 13, 2020;

2 and

3 (B) ending on or before January 1, 2021.

4 (2) TRANSITION RULE FOR INDIVIDUALS RE-
5 MAINING ENTITLED TO PANDEMIC SELF-EMPLOY-
6 MENT AND JOB ENTRANT COMPENSATION AS OF
7 JANUARY 1, 2021.—In the case of any individual
8 who, as of the date specified in paragraph (1)(B),
9 has not yet exhausted all rights to Pandemic Self-
10 Employment and Job Entrant Compensation under
11 the agreement under subsection (a), Pandemic Self-
12 Employment and Job Entrant Compensation shall
13 continue to be payable to such individual for any
14 week beginning on or after such date for which the
15 individual is otherwise eligible for such Pandemic
16 Self-Employment and Job Entrant Compensation.

17 (3) TERMINATION.—Notwithstanding any other
18 provision of this subsection, no Pandemic Self-Em-
19 ployment and Job Entrant Compensation shall be
20 payable for any week beginning after June 30, 2021.

21 (e) FRAUD AND OVERPAYMENTS.—

22 (1) IN GENERAL.—If an individual knowingly
23 has made, or caused to be made by another, a false
24 statement or representation of a material fact, or
25 knowingly has failed, or caused another to fail, to

1 disclose a material fact, and as a result of such false
2 statement or representation or of such nondisclosure
3 such individual has received an amount of Pandemic
4 Self-Employment and Job Entrant Compensation to
5 which such individual was not entitled, such indi-
6 vidual—

7 (A) shall be ineligible for further Pandemic
8 Self-Employment and Job Entrant Compensa-
9 tion in accordance with the provisions of the ap-
10 plicable State unemployment compensation law
11 relating to fraud in connection with a claim for
12 unemployment compensation; and

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

15 (2) REPAYMENT.—In the case of individuals
16 who have received amounts of Pandemic Self-Em-
17 ployment and Job Entrant Compensation to which
18 they were not entitled, the State shall require such
19 individuals to repay the amounts of such Pandemic
20 Self-Employment and Job Entrant Compensation to
21 the State agency, except that the State agency may
22 waive such repayment if it determines that—

23 (A) the payment of such Pandemic Self-
24 Employment and Job Entrant Compensation

1 was without fault on the part of any such indi-
2 vidual; and

3 (B) such repayment would be contrary to
4 equity and good conscience.

5 (3) RECOVERY BY STATE AGENCY.—

6 (A) IN GENERAL.—The State agency may
7 recover the amount to be repaid, or any part
8 thereof, by deductions from any Pandemic Self-
9 Employment and Job Entrant Compensation
10 payable to such individual or from any unem-
11 ployment compensation payable to such indi-
12 vidual under any State or Federal unemploy-
13 ment compensation law administered by the
14 State agency or under any other State or Fed-
15 eral law administered by the State agency
16 which provides for the payment of any assist-
17 ance or allowance with respect to any week of
18 unemployment, during the 3-year period after
19 the date such individuals received the payment
20 of the Pandemic Self-Employment and Job En-
21 trant Compensation to which they were not en-
22 titled, in accordance with the same procedures
23 as apply to the recovery of overpayments of reg-
24 ular unemployment benefits paid by the State.

1 (B) OPPORTUNITY FOR HEARING.—No re-
2 payment shall be required, and no deduction
3 shall be made, until a determination has been
4 made, notice thereof and an opportunity for a
5 fair hearing has been given to the individual,
6 and the determination has become final.

7 (4) REVIEW.—Any determination by a State
8 agency under this section shall be subject to review
9 in the same manner and to the same extent as deter-
10 minations under the State unemployment compensa-
11 tion law, and only in that manner and to that ex-
12 tent.

13 (5) DEPOSIT IN STATE UNEMPLOYMENT
14 FUND.—Any amount recovered by a State agency
15 pursuant to this subsection shall be deposited in the
16 account of such State in the Unemployment Trust
17 Fund.

18 (f) TREATMENT OF PANDEMIC SELF-EMPLOYMENT
19 AND JOB ENTRANT COMPENSATION PAYMENTS.—

20 (1) PAYMENT TO BE DISREGARDED FOR PUR-
21 POSES OF ALL FEDERAL AND FEDERALLY ASSISTED
22 PROGRAMS.—A Pandemic Self-Employment and Job
23 Entrant Compensation payment shall not be re-
24 garded as income and shall not be regarded as a re-
25 source for the month of receipt and the following 9

1 months, for purposes of determining the eligibility of
2 the recipient (or the recipient’s spouse or family) for
3 benefits or assistance, or the amount or extent of
4 benefits or assistance, under any Federal program
5 or under any State or local program financed in
6 whole or in part with Federal funds.

7 (2) PAYMENT NOT CONSIDERED INCOME FOR
8 PURPOSES OF TAXATION.—A Pandemic Self-Em-
9 ployment and Job Entrant Compensation payment
10 shall not be considered as gross income for purposes
11 of the Internal Revenue Code of 1986.

12 (g) DEFINITIONS.—For purposes of this section—

13 (1) the terms “compensation” (except as such
14 term is used in subsection (b)(4)), “regular com-
15 pensation”, “State”, “State agency”, and “State
16 law” have the respective meanings given such terms
17 under section 205 of the Federal-State Extended
18 Unemployment Compensation Act of 1970 (26
19 U.S.C. 3304 note); and

20 (2) the term “State or private paid leave”
21 means a benefit which provides full or partial wage
22 replacement to employees on the basis of specifically
23 defined qualifying events described in section 102 of
24 the Family and Medical Leave Act of 1993 or de-
25 fined by a written employer policy or State law and

1 which ends either when the qualifying event is no
2 longer applicable or a set period of benefits is ex-
3 hausted.

4 **TITLE III—RELIEF FOR GOVERN-**
5 **MENTAL AND NONPROFIT EN-**
6 **TITIES**

7 **SEC. 80301. EMERGENCY UNEMPLOYMENT RELIEF FOR**
8 **GOVERNMENTAL ENTITIES AND NONPROFIT**
9 **ORGANIZATIONS.**

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

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

20 “Transfers for Federal Reimbursement of State
21 Unemployment Funds

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

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

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

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

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

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

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

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

17 **TITLE IV—EMERGENCY ASSIST-**
18 **ANCE FOR RAIL WORKERS**

19 **SEC. 80401. WAIVER OF THE 7-DAY WAITING PERIOD FOR**
20 **BENEFITS UNDER THE RAILROAD UNEM-**
21 **PLOYMENT INSURANCE ACT.**

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

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

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

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

10 **SEC. 80402. ENHANCED BENEFITS UNDER THE RAILROAD**
11 **UNEMPLOYMENT INSURANCE ACT.**

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

15 “(5)(A) Notwithstanding paragraph (3), subsection
16 (c)(1)(B), and any other limitation on total benefits in this
17 Act, for registration periods beginning on or after April
18 1, 2020, but on or before December 31, 2020, a recovery
19 benefit in the amount of \$1,200 shall be payable to a
20 qualified employee with respect to any registration period
21 in which the employee received unemployment benefits
22 under paragraph (1)(A), and in any registration period in
23 which the employee did not receive unemployment benefits
24 due to the limitation in subsection (c)(1)(B) or due to
25 reaching the maximum number of days of benefits in the

1 benefit year beginning July 1, 2019, under subsection
2 (c)(1)(A), and throughout any continuing period of unem-
3 ployment beginning on or before December 31, 2020, ex-
4 cept that no benefit under this section shall be payable
5 after June 30, 2021. No recovery benefits shall be payable
6 under this section upon the exhaustion of the funds appro-
7 priated under subparagraph (B) for payment of benefits
8 under this subparagraph.

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

13 **SEC. 80403. EXTENDED UNEMPLOYMENT BENEFITS UNDER**
14 **THE RAILROAD UNEMPLOYMENT INSURANCE**
15 **ACT.**

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

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

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

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

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

11 **SEC. 80404. TREATMENT OF PAYMENTS FROM THE RAIL-**
12 **ROAD UNEMPLOYMENT INSURANCE AC-**
13 **COUNT.**

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

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

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

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

23 “(D) any payment made from the Railroad Un-
24 employment Insurance Account (established by sec-
25 tion 10 of the Railroad Unemployment Insurance

1 Act) for the purpose of carrying out the Railroad
2 Unemployment Insurance Act, and funds appro-
3 priated or transferred to or otherwise deposited in
4 such Account,”.

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

1 **DIVISION I—FINANCIAL**
2 **SERVICES**

3 **SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This division may be cited as the
5 “Financial Protections and Assistance for America’s Con-
6 sumers, States, Businesses, and Vulnerable Populations
7 Act”.

8 (b) **TABLE OF CONTENTS.**—The table of contents for
9 this division is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References to this division.
- Sec. 3. Severability.

TITLE I—PROTECTING CONSUMERS, RENTERS, HOMEOWNERS
AND PEOPLE EXPERIENCING HOMELESSNESS

- Sec. 101. Direct stimulus payments for families.
- Sec. 102. Suspension of requirements regarding tenant contribution toward rent.
- Sec. 103. Temporary moratorium on eviction filings.
- Sec. 104. Suspension of other consumer loan payments.
- Sec. 105. Emergency rental assistance.
- Sec. 106. Emergency homeless assistance.
- Sec. 107. Participation of Indian Tribes and tribally designated housing entities in Continuum of Care Program.
- Sec. 108. Housing Assistance Fund.
- Sec. 109. Mortgage forbearance.
- Sec. 110. Bankruptcy protections.
- Sec. 111. Debt collection.
- Sec. 112. Disaster Protection for Workers’ Credit.
- Sec. 113. Student loans.
- Sec. 114. Waiver of in-person appraisal requirements.
- Sec. 115. Supplemental funding for community development block grants.
- Sec. 116. COVID–19 Emergency Housing Relief.
- Sec. 117. Supplemental funding for service coordinators to assist elderly households.
- Sec. 118. Fair housing.
- Sec. 119. Continuation of FHA–FFB affordable rental housing financing partnership.
- Sec. 120. HUD counseling program authorization.
- Sec. 121. Defense Production Act of 1950.

TITLE II—ASSISTING SMALL BUSINESSES AND COMMUNITY
FINANCIAL INSTITUTIONS

- Sec. 201. Small Business Credit Facility.
- Sec. 202. Small Business Financial Assistance Program.
- Sec. 203. Suspension of small business and non-profit loan payments.
- Sec. 204. Reauthorization of the State Small Business Credit Initiative Act of 2010.
- Sec. 205. Funding of the Initiative to Build Growth Equity Funds for Minority Businesses.
- Sec. 206. Community Development Financial Institutions Fund supplemental appropriation authorization.
- Sec. 207. Minority depository institution.
- Sec. 208. Loans to MDIs and CDFIs.
- Sec. 209. Insurance of transaction accounts.

TITLE III—SUPPORTING STATE, TERRITORY, AND LOCAL
GOVERNMENTS

- Sec. 301. Muni Facility.
- Sec. 302. Temporary waiver and reprogramming authority.

TITLE IV—PROMOTING FINANCIAL STABILITY AND
TRANSPARENT MARKETS

- Sec. 401. Temporary halt to rulemakings unrelated to COVID–19.
- Sec. 402. Temporary ban on stock buybacks.
- Sec. 403. Disclosures related to supply chain disruption risk.
- Sec. 404. Disclosures related to global pandemic risk.
- Sec. 405. Oversight of Federal aid related to COVID–19.
- Sec. 406. International financial institutions.
- Sec. 407. Conditions on Federal aid to corporations.
- Sec. 408. Authority for warrants and debt instruments.
- Sec. 409. Authorization to participate in the New Arrangements to Borrow of the International Monetary Fund.
- Sec. 410. Emergency relief through loans and loan guarantees.
- Sec. 411. Limitation on certain employee compensation.
- Sec. 412. International Finance Corporation.
- Sec. 413. Oversight and Reports.
- Sec. 414. Technical corrections.
- Sec. 415. Definitions.
- Sec. 416. Rule of construction.

TITLE V—INVESTING IN A SUSTAINABLE RECOVERY

- Sec. 501. Housing is infrastructure.
- Sec. 502. Improving Corporate Governance Through Diversity.
- Sec. 503. Diverse Investment Advisers.
- Sec. 504. Financial Literacy Education Commission Emergency Response.
- Sec. 505. Interagency Pandemic Guidance for Consumers.
- Sec. 506. SEC Pandemic Guidance for Investors.
- Sec. 507. Updates of the Pandemic Influenza Plan and National Planning Frameworks.

1 SEC. 2. REFERENCES TO THIS DIVISION.

- 2 In this division, any reference to “this Act” shall be
- 3 deemed a reference to this division.

1 **SEC. 3. SEVERABILITY.**

2 If any provision of this Act or the application of such
3 provision to any person or circumstance is held to be un-
4 constitutional, the remainder of this Act, and the applica-
5 tion of the provisions of this Act, to any person or cir-
6 cumstance shall not be affected thereby.

7 **TITLE I—PROTECTING CON-**
8 **SUMERS, RENTERS, HOME-**
9 **OWNERS AND PEOPLE EXPE-**
10 **RIENCING HOMELESSNESS**

11 **[SEC. 101. DIRECT STIMULUS PAYMENTS FOR FAMILIES.**

12 **[(a) DEFINITIONS.—In this section:]**

13 **[(1) DIGITAL DOLLAR.—The term “digital dol-**
14 **lar” shall mean—]**

15 **[(A) a balance expressed as a dollar value**
16 **consisting of digital ledger entries that are re-**
17 **corded as liabilities in the accounts of any Fed-**
18 **eral reserve bank; or]**

19 **[(B) an electronic unit of value, redeem-**
20 **able by an eligible financial institution (as de-**
21 **termined by the Board of Governors of the Fed-**
22 **eral Reserve System).]**

23 **[(2) DIGITAL DOLLAR WALLET.—The term**
24 **“digital dollar wallet” shall mean a digital wallet or**
25 **account, maintained by a Federal reserve bank on**
26 **behalf of any person, that represents holdings in an**

1 electronic device or service that is used to store dig-
2 ital dollars that may be tied to a digital or physical
3 identity.】

4 【(3) MEMBER BANK.—The term “member
5 bank” means a member bank of the Board of Gov-
6 ernors of the Federal Reserve System.】

7 【(4) PASS-THROUGH DIGITAL DOLLAR WAL-
8 LET.—The term “pass-through digital dollar wallet”
9 means a digital wallet or account, maintained by a
10 member bank on behalf of a qualified individual,
11 where such qualified individual is entitled to a pro
12 rata share of a pooled reserve balance that the mem-
13 ber bank maintains at any Federal reserve bank.】

14 【(5) QUALIFIED INDIVIDUAL DEFINED.—The
15 term “qualified individual” means any individual
16 other than any nonresident alien individual.】

17 【(b) EMERGENCY STIMULUS CHECK IMPLEMENTA-
18 TION.—】

19 【(1) PAYMENTS.—The Secretary of the Treas-
20 ury, acting through the Commissioner of the Inter-
21 nal Revenue Service, shall make monthly emergency
22 payments to qualified individuals beginning on the
23 first day of the first month beginning after the date
24 of the enactment of this Act and ending on the later
25 of—】

1 **[(A) the date of the termination by the**
2 **Federal Emergency Management Agency of the**
3 **emergency declared on March 13, 2020, by the**
4 **President under section 501(b) of the Robert T.**
5 **Stafford Disaster Relief and Emergency Assist-**
6 **ance Act with respect to the COVID–19 pan-**
7 **demic; and]**

8 **[(B) the date on which—]**

9 **[(i) the national unemployment rate**
10 **(as determined by the Bureau of Labor**
11 **Statistics) is within 2 percentage points of**
12 **the national unemployment rate on the**
13 **date of enactment of this Act; and]**

14 **[(ii) the 3-month average of the na-**
15 **tional unemployment rate has declined for**
16 **two consecutive months.]**

17 **[(2) AMOUNT OF PAYMENTS.—**

18 **[(A) IN GENERAL.—With respect to a**
19 **qualified individual, the amount of each month-**
20 **ly payment under paragraph (1) shall be as fol-**
21 **lows:]**

22 **[(i) For a qualified individual age 18**
23 **or older, \$2,000.]**

24 **[(ii) For a qualified individual under**
25 **age 18, \$1,000.]**

1 **[(B) INCOME LIMITATION.—**The amount
2 of a payment under subparagraph (A) shall be
3 reduced (but not below zero) by 5 percent of so
4 much of the individual’s adjusted gross income
5 as exceeds \$75,000. The Secretary of the
6 Treasury shall adjust such amount as appro-
7 priate to account for individuals filing joint re-
8 turns. **]**

9 **[(3) METHOD OF DELIVERY.—**

10 **[(A) IN GENERAL.—**The Secretary of the
11 Treasury, acting through the Commissioner of
12 the Internal Revenue Service, shall make the
13 payments required under paragraph (1)—**]**

14 **[(i)** first, by direct deposit (including
15 to a pass-through digital dollar wallet), if
16 the Commissioner has sufficient informa-
17 tion to make direct deposit payments to
18 the applicable individual; and **]**

19 **[(ii)** otherwise, by check. **]**

20 **[(B) OUTREACH.—**The Secretary of the
21 Treasury, acting through the Commissioner of
22 the Internal Revenue Service, shall establish a
23 system for a qualified individual to provide the
24 Internal Revenue Service with the individual’s

1 direct deposit information and shall perform
2 outreach to inform the public of such system.】

3 【(4) ACCESSING PAYMENTS.—If a payment is
4 deposited (by any method) into an account of a
5 qualified individual at an insured depository institu-
6 tion (as defined in section 3 of the Federal Deposit
7 Insurance Act) or insured credit union (as defined in
8 section 101 of the Federal Credit Union Act), such
9 funds shall be available for withdrawal on the same
10 day, to the fullest extent possible.】

11 【(5) FUNDING.—The Secretary of the Treasury
12 shall, before each monthly payment required under
13 subsection (a), notify the Board of Governors of the
14 Federal Reserve System of the aggregate amount of
15 such payment, and the Board of Governors shall
16 issue notes in such amount and transfer such notes
17 to the Secretary of the Treasury for use in making
18 such payments.】

19 【(c) MANDATE FOR MEMBER BANKS TO MAINTAIN
20 PASS-THROUGH DIGITAL DOLLAR WALLETS.—】

21 【(1) OBLIGATIONS OF MEMBER BANKS.—

22 【(A) IN GENERAL.—Member banks are
23 hereby directed to establish and maintain pass-
24 through digital dollar wallets for all persons eli-
25 gible to receive payments from the United

1 States pursuant to this Act who elect to deposit
2 such payments into a pass-through digital dol-
3 lar wallet.】

4 【(B) SEPARATE ENTITY.—

5 【(i) IN GENERAL.—Each member
6 bank shall establish and maintain a sepa-
7 rate legal entity for the exclusive purpose
8 of holding all assets and maintaining all li-
9 abilities associated with pass-through dig-
10 ital dollar wallets.】

11 【(ii) ASSETS.—The assets of any enti-
12 ty described in this paragraph shall consist
13 exclusively of a balance maintained in a
14 master account at a Federal reserve bank,
15 and the liabilities or obligations of the enti-
16 ty shall consist exclusively of an equal
17 quantity of balances maintained by holders
18 of pass-through digital dollar wallets.】

19 【(iii) SEPARATE ASSETS AND LIABIL-
20 ITIES.—The assets and liabilities of any
21 legal entity described in this paragraph
22 shall not be deemed assets or liabilities of
23 the member bank or its affiliates for pur-
24 poses of any capital or liquidity regulation

1 promulgated by Federal or State banking
2 authorities.】

3 【(C) APPLICATION.—Member banks with
4 total consolidated assets in excess of
5 \$10,000,000,000 shall promptly offer individ-
6 uals the ability to apply, through online or tele-
7 phonic means, for a pass-through digital dollar
8 wallets.】

9 【(2) TERMS.—Member banks shall ensure that
10 a pass-through digital dollar wallet established under
11 this section—】

12 【(A) may not be subject to any account
13 fees, minimum balances, or maximum bal-
14 ances;】

15 【(B) shall pay interest at a rate not below
16 the greater of—】

17 【(i) the rate of interest on required
18 reserves; and】

19 【(ii) the rate of interest on excess re-
20 serves;】

21 【(C) shall provide functionality and service
22 levels not less favorable than those that the
23 member bank offers for its existing transaction
24 accounts (including with respect to access to
25 debit cards and automated teller machines, on-

1 line account access, automatic bill-pay and mo-
2 bile banking services, customer service, and
3 such other services as the Board determines),
4 except that pass-through digital dollar wallet
5 shall not include overdraft coverage;】

6 【(D) shall be prominently branded in all
7 account statements, marketing materials, and
8 other communications of the member bank as a
9 “pass-through FedAccount” maintained by the
10 member bank on behalf of the Board of Gov-
11 ernors of the Federal Reserve System;】

12 【(E) may not be closed or restricted by the
13 member bank on the basis of profitability con-
14 siderations; and】

15 【(F) shall provide holders with reasonable
16 protection against losses caused by fraud or se-
17 curity breaches.】

18 【(3) REIMBURSEMENT FOR COSTS.—

19 【(A) IN GENERAL.—Each member bank
20 with total consolidated assets not greater than
21 \$10,000,000,000 shall be reimbursed each cal-
22 endar quarter by the relevant Federal reserve
23 bank for actual and reasonable operational
24 costs incurred by the member bank in offering
25 pass-through digital dollar wallets.】

1 **[(B) RULEMAKING.—**The Board of Gov-
2 ernors of the Federal Reserve System shall
3 issue rules to carry out subparagraph (A).**]**

4 **[(4) AUTHORITY OF THE BOARD.—**Member
5 banks shall be subject to such rules as may be im-
6 posed by the Board of Governors of the Federal Re-
7 serve System in connection with maintaining pass-
8 through digital dollar wallets.**]**

9 **[(d) AUTHORITY FOR STATE NONMEMBER BANKS**
10 **AND CREDIT UNIONS TO OFFER PASS-THROUGH DIGITAL**
11 **DOLLAR WALLETS.—**The Federal reserve banks shall per-
12 mit State banks and credit unions that are not member
13 banks to open master accounts for the exclusive purpose
14 of offering pass-through digital dollar wallets in compli-
15 ance with the requirements of subsection (c). Each State
16 bank or credit union electing to offer pass-through digital
17 wallets shall be entitled to cost reimbursement in accord-
18 ance with subsection (c)(3).**]**

19 **[(e) MANDATE FOR FEDERAL RESERVE BANKS TO**
20 **MAINTAIN DIGITAL DOLLAR WALLETS.—****]**

21 **[(1) AUTHORIZATION.—**Subject to such restric-
22 tions, limitations, and regulations as may be im-
23 posed by the Board of Governors of the Federal Re-
24 serve System, each Federal reserve bank shall main-
25 tain digital dollar wallets.**]**

1 **[(2) MANDATE.—**

2 **[(A) IN GENERAL.—**Not later than Janu-
3 ary 1, 2021, all Federal reserve banks shall
4 make digital dollar wallets available to all citi-
5 zens and legal permanent residents of the
6 United States and business entities for which
7 the principal place of business is located in the
8 United States.]

9 **[(B) EXCEPTION.—**In geographic areas
10 where physical access to a branch of a Federal
11 reserve bank is limited, Federal reserve banks
12 serving such areas shall partner with United
13 States Postal Service branch offices to ensure
14 access and availability to application and ac-
15 count services for digital dollar wallets.]

16 **[(3) TERMS OF DIGITAL DOLLAR WALLETS.—**
17 Federal reserve banks shall ensure that digital dollar
18 wallets established under this section—]

19 **[(A) may not be subject to any account**
20 fees, minimum balances, or maximum bal-
21 ances;]

22 **[(B) shall pay interest at a rate not below**
23 the greater of—]

24 **[(i) the rate of interest on required**
25 reserves; and]

1 【(ii) the rate of interest on excess re-
2 serves;】

3 【(C) shall provide access to debit cards,
4 online account access, automatic bill-pay and
5 mobile banking services, customer service, and
6 such other services as the Board determines,
7 except that digital dollar wallets shall not in-
8 clude overdraft coverage.】

9 【(D) shall provide, in conjunction with the
10 United States Postal Service, access to auto-
11 mated teller machines to be maintained on be-
12 half of the Board by the United States Postal
13 Service at branch offices;】

14 【(E) shall be prominently branded in all
15 account statements, marketing materials, and
16 other communications of the Federal reserve
17 bank as a “FedAccount” maintained by the
18 member bank on behalf of the United States of
19 America;】

20 【(F) may not be closed or restricted on the
21 basis of profitability considerations; and】

22 【(G) shall provide holders with reasonable
23 protection against losses caused by fraud or se-
24 curity breaches.】

1 【(4) BANK SECRECY ACT.—In establishing and
2 maintaining digital dollar wallets, each Federal re-
3 serve bank shall comply with section 21 of the Fed-
4 eral Deposit Insurance Act (12 U.S.C. 1829b), sec-
5 tion 123 of Public Law 91–508, subchapter II of
6 chapter 53 of title 31, United States Code.】

7 【(5) PENALTIES.—The Board of Governors of
8 the Federal Reserve System shall, by rule, establish
9 penalties applicable to Federal reserve banks and
10 employees of such banks for violations of privacy ob-
11 ligations relating to digital dollar wallets that are
12 similar to the penalties imposed by the Commis-
13 sioner of the Internal Revenue Service with respect
14 to violations of privacy obligations relating to Fed-
15 eral tax returns.】

16 【(f) REGULATIONS.—The Board of Governors of the
17 Federal Reserve System shall promulgate regulations to
18 carry out this section.】

19 **SEC. 102. SUSPENSION OF REQUIREMENTS REGARDING**
20 **TENANT CONTRIBUTION TOWARD RENT.**

21 (a) SUSPENSION.—Notwithstanding any other provi-
22 sion of law, the obligation of each tenant household of a
23 dwelling unit in assisted housing to pay any contribution
24 toward rent for occupancy in such dwelling unit shall be
25 suspended with respect to such occupancy during the pe-

1 riod beginning on the date of the enactment of this Act
2 and ending 6 months after the date of the termination
3 by the Federal Emergency Management Agency of the
4 emergency declared on March 13, 2020, by the President
5 under the Robert T. Stafford Disaster Relief and Emer-
6 gency Assistance Act (42 U.S.C. 4121 et seq.) relating
7 to the Coronavirus Disease 2019 (COVID–19) pandemic.

8 (b) FEDERAL REIMBURSEMENT PAYMENTS.—To the
9 extent that amounts are made available pursuant to sub-
10 section (e) for reimbursements under this subsection, the
11 Secretary of Housing and Urban Development or the Sec-
12 retary of Agriculture, as appropriate, shall—

13 (1) provide owners of assisted housing and pub-
14 lic housing agencies for any amounts in rent not re-
15 ceived as a result of subsection (a), plus the amount
16 of any increases in costs of administering and main-
17 taining such housing to the extent only that such in-
18 creases result from the public health emergency re-
19 lating to Coronavirus Disease 2019 (COVID–19);
20 and

21 (2) in the case of public housing agencies pro-
22 viding assistance under section 8(o) of the United
23 States Housing Act of 1937 (42 U.S.C. 1437f(o)),
24 reimburse such agencies in an amount sufficient to
25 cover any increase in housing assistance payments

1 resulting from the suspension of tenant rent pay-
2 ments pursuant to subsection (a), plus the amount
3 of any increases in the cost of administering such
4 assistance to the extent only that such increases re-
5 sult from the public health emergency relating to
6 Coronavirus Disease 2019 (COVID-19).

7 (c) PROHIBITIONS.—

8 (1) ON FINES.—No tenant or tenant household
9 may be charged a fine or fee for nonpayment of rent
10 in accordance with subsection (a) and such non-
11 payment of rent shall not be grounds for any termi-
12 nation of tenancy or eviction.

13 (2) ON DEBT.—No tenant or tenant household
14 may be treated as accruing any debt by reason of
15 suspension of contribution of rent under subsection
16 (a).

17 (3) ON REPAYMENT.—held liable for repayment
18 of any amount of rent contribution suspended under
19 subsection (a).

20 (4) ON CREDIT SCORES.—The nonpayment of
21 rent by a tenant or tenant household shall not be re-
22 ported to a consumer reporting agency nor shall
23 such nonpayment adversely affect a tenant or mem-
24 ber of a tenant household's credit score.

1 (d) ASSISTED HOUSING.—For purposes of this sec-
2 tion, the term “assisted housing” means housing or a
3 dwelling unit assisted under—

4 (1) section 213, 220, 221(d)(3), 221(d)(4),
5 223(e), 231, or 236 of the National Housing Act
6 (12 U.S.C. 1715l(d)(3), (d)(4), or 1715z–1);

7 (2) section 101 of the Housing and Urban De-
8 velopment Act of 1965 (12 U.S.C. 1701s);

9 (3) section 202 of the Housing Act of 1959 (12
10 U.S.C. 1701q);

11 (4) section 811 of the Cranston-Gonzales Na-
12 tional Affordable Housing Act (42 U.S.C. 8013);

13 (5) title II of the Cranston-Gonzalez National
14 Affordable Housing Act (42 U.S.C. 12701 et seq.);

15 (6) subtitle D of title VIII of the Cranston-Gon-
16 zalez National Affordable Housing Act (42 U.S.C.
17 12901 et seq.);

18 (7) title I of the Housing and Community De-
19 velopment Act of 1974 (42 U.S.C. 5301 et seq.);

20 (8) section 8 of the United States Housing Act
21 of 1937 (42 U.S.C. 1437f);

22 (9) the public housing program under title I of
23 the United States Housing Act of 1937 (42 U.S.C.
24 1437 et seq.); or

1 (10) section 514, 515, 516, 521(a)(2), 538, or
2 542 of the Housing Act of 1949 (42 U.S.C. 1484,
3 1485, 1486, 1490a(a)(2), 1490p-2, 1490r).

4 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated such sums as may be ne-
6 cessary to make payments under subsection (b) to all own-
7 ers of assisted housing and public housing agencies.

8 **SEC. 103. TEMPORARY MORATORIUM ON EVICTION FIL-**
9 **INGS.**

10 (a) CONGRESSIONAL FINDINGS.—The Congress finds
11 that—

12 (1) according to the 2018 American Community
13 Survey, 36 percent of households in the United
14 States—more than 43 million households—are rent-
15 ers;

16 (2) in 2019 alone, renters in the United States
17 paid \$512 billion in rent;

18 (3) according to the Joint Center for Housing
19 Studies of Harvard University, 20.8 million renters
20 in the United States spent more than 30 percent of
21 their incomes on housing in 2018 and 10.9 million
22 renters spent more than 50 percent of their incomes
23 on housing in the same year;

1 (4) Moody's Analytics estimates that 27 million
2 jobs in the U.S. economy are at high risk because
3 of COVID-19;

4 (5) the impacts of the spread of COVID-19,
5 which is now considered a global pandemic, are ex-
6 pected to negatively impact the incomes of poten-
7 tially millions of renter households, making it dif-
8 ficult for them to pay their rent on time; and

9 (6) evictions in the current environment would
10 increase homelessness and housing instability which
11 would be counterproductive towards the public
12 health goals of keeping individuals in their homes to
13 the greatest extent possible.

14 (b) MORATORIUM.—During the period beginning on
15 the date of the enactment of this Act and ending on the
16 date described in paragraph (1) of subsection (d), the les-
17 sor of a covered dwelling may not make, or cause to be
18 made, any filing with the court of jurisdiction to initiate
19 a legal action to recover possession of the covered dwelling
20 from the tenant regardless of cause, except when a tenant
21 perpetrates a serious criminal act that threatens the
22 health, life, or safety of other tenants, owners, or staff
23 of the property in which the covered dwelling is located.

24 (c) DEFINITIONS.—For purposes of this section, the
25 following definitions shall apply:

1 (1) COVERED DWELLING.—The term “covered
2 dwelling” means a dwelling that is occupied by a
3 tenant—

4 (A) pursuant to a residential lease; or

5 (B) without a lease or with a lease ter-
6 minable at will under State law.

7 (2) DWELLING.—The term “dwelling” has the
8 meaning given such term in section 802 of the Fair
9 Housing Act (42 U.S.C. 3602) and includes houses
10 and dwellings described in section 803(b) of such
11 Act (42 U.S.C. 3603(b)).

12 (d) SUNSET.—

13 (1) SUNSET DATE.—The date described in this
14 paragraph is the date of the expiration of the 6-
15 month period that begins upon the termination by
16 the Federal Emergency Management Agency of the
17 emergency declared on March 13, 2020, by the
18 President under the Robert T. Stafford Disaster Re-
19 lief and Emergency Assistance Act (42 U.S.C. 4121
20 et seq.) relating to the Coronavirus Disease 2019
21 (COVID–19) pandemic.

22 (2) NOTICE TO VACATE AFTER SUNSET
23 DATE.—After the date described in paragraph (1),
24 the lessor of a covered dwelling may not require the
25 tenant to vacate the covered dwelling before the ex-

1 piration of the 30-day period that begins upon the
2 provision by the lessor to the tenant, after the date
3 described in paragraph (1), of a notice to vacate the
4 covered dwelling.

5 **SEC. 104. SUSPENSION OF OTHER CONSUMER LOAN PAY-**
6 **MENTS.**

7 (a) IN GENERAL.—During the COVID–19 emer-
8 gency, a debt collector may not, with respect to a debt
9 of a consumer (other than debt related to a federally re-
10 lated mortgage loan)—

11 (1) capitalize unpaid interest;

12 (2) apply a higher interest rate triggered by the
13 nonpayment of a debt to the debt balance;

14 (3) charge a fee triggered by the nonpayment of
15 a debt;

16 (4) sue or threaten to sue for nonpayment of a
17 debt;

18 (5) continue litigation to collect a debt that was
19 initiated before the date of enactment of this section;

20 (6) submit or cause to be submitted a confes-
21 sion of judgment to any court;

22 (7) enforce a security interest through reposses-
23 sion, limitation of use, or foreclosure;

24 (8) take or threaten to take any action to en-
25 force collection, or any adverse action for non-

1 payment of a debt, or for nonappearance at any
2 hearing relating to a debt;

3 (9) commence or continue any action to cause
4 or to seek to cause the collection of a debt, including
5 pursuant to a court order issued before the end of
6 the 120-day period following the end of the COVID–
7 19 emergency, from wages, Federal benefits, or
8 other amounts due to a consumer by way of garnish-
9 ment, deduction, offset, or other seizure;

10 (10) cause or seek to cause the collection of a
11 debt, including pursuant to a court order issued be-
12 fore the end of the 120-day period following the end
13 of the COVID–19 emergency, by levying on funds
14 from a bank account or seizing any other assets of
15 a consumer;

16 (11) commence or continue an action to evict a
17 consumer from real or personal property; or

18 (12) disconnect or terminate service from utility
19 service, including electricity, natural gas, tele-
20 communications or broadband, water, or sewer.

21 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion may be construed to prohibit a consumer from volun-
23 tarily paying, in whole or in part, a debt.

1 (c) REPAYMENT PERIOD.—After the expiration of the
2 COVID–19 emergency, with respect to a debt described
3 under subsection (a), a debt collector—

4 (1) may not add to the debt balance any inter-
5 est or fee prohibited by subsection (a);

6 (2) shall, for credit with a defined term or pay-
7 ment period, extend the time period to repay the
8 debt balance by 1 payment period for each payment
9 that a consumer missed during the COVID–19
10 emergency, with the payments due in the same
11 amounts and at the same intervals as the pre-exist-
12 ing payment schedule;

13 (3) shall, for an open end credit plan (as de-
14 fined under section 103 of the Truth in Lending
15 Act) or other credit without a defined term, allow
16 the consumer to repay the debt balance in a manner
17 that does not exceed the amounts permitted by for-
18 mulas under section 170(c) of the Truth in Lending
19 Act and regulations promulgated thereunder;

20 (4) shall, when the consumer notifies the debt
21 collector, offer reasonable and affordable repayment
22 plans, loan modifications, refinancing, options with a
23 reasonable time in which to repay the debt.

24 (d) COMMUNICATIONS IN CONNECTION WITH THE
25 COLLECTION OF A DEBT.—

1 (1) IN GENERAL.—During the COVID–19
2 emergency, without prior consent of a consumer
3 given directly to a debt collector during the COVID–
4 19 emergency, or the express permission of a court
5 of competent jurisdiction, a debt collector may only
6 communicate in writing in connection with the col-
7 lection of any debt (other than debt related to a fed-
8 erally related mortgage loan).

9 (2) REQUIRED DISCLOSURES.—

10 (A) IN GENERAL.—All written communica-
11 tions described under paragraph (1) shall in-
12 form the consumer that the communication is
13 for informational purposes and is not an at-
14 tempt to collect a debt.

15 (B) REQUIREMENTS.—The disclosure re-
16 quired under subparagraph (A) shall be made—

17 (i) in type or lettering not smaller
18 than 14–point bold type;

19 (ii) separate from any other disclo-
20 sure;

21 (iii) in a manner designed to ensure
22 that the recipient sees the disclosure clear-
23 ly;

24 (iv) in English and Spanish and in
25 any additional languages in which the debt

1 collector communicates, including the lan-
2 guage in which the loan was negotiated, to
3 the extent known by the debt collector; and

4 (v) may be provided by first-class mail
5 or electronically, if the borrower has other-
6 wise consented to electronic communication
7 with the debt collector and has not revoked
8 such consent.

9 (C) ORAL NOTIFICATION.—Any oral notifi-
10 cation shall be provided in the language the
11 debt collector otherwise uses to communicate
12 with the borrower.

13 (D) WRITTEN TRANSLATIONS.—In pro-
14 viding written notifications in languages other
15 than English in this Section, a debt collector
16 may rely on written translations developed by
17 the Bureau of Consumer Financial Protection.

18 (e) VIOLATIONS.—

19 (1) IN GENERAL.—Any person who violates this
20 section shall—

21 (A) except as provided under subparagraph
22 (B), be subject to civil liability in accordance
23 with section 813 of the Fair Debt Collection
24 Practices Act, as if the person is a debt col-
25 lector for purposes of that section; and

1 (B) be liable to the consumer for an
2 amount 10 times the amounts described in such
3 section 813, for each violation.

4 (2) PREDISPUTE ARBITRATION AGREEMENTS.—
5 Notwithstanding any other provision of law, no
6 predispute arbitration agreement or predispute joint-
7 action waiver shall be valid or enforceable with re-
8 spect to a dispute brought under this section, includ-
9 ing a dispute as to the applicability of this section,
10 which shall be determined under Federal law.

11 (f) TOLLING.—Except as provided in subsection
12 (g)(5), any applicable time limitations, including statutes
13 of limitations, related to a debt under Federal or State
14 law shall be tolled during the COVID–19 emergency.

15 (g) CLAIMS OF AFFECTED CREDITORS AND DEBT
16 COLLECTORS.—

17 (1) VALUATION OF PROPERTY.—With respect
18 to any action asserting a taking under the Fifth
19 Amendment of the Constitution of the United States
20 as a result of this section or seeking a declaratory
21 judgment regarding the constitutionality of this sec-
22 tion, the value of the property alleged to have been
23 taken without just compensation shall be evalu-
24 ated—

1 (A) with consideration of the likelihood of
2 full and timely payment of the obligation with-
3 out the actions taken pursuant to this section;
4 and

5 (B) without consideration of any assistance
6 provided directly or indirectly to the consumer
7 from other Federal, State, and local govern-
8 ment programs instituted or legislation enacted
9 in response to the COVID-19 emergency.

10 (2) SCOPE OF JUST COMPENSATION.—In an ac-
11 tion described in paragraph (1), any assistance or
12 benefit provided directly or indirectly to the person
13 from other Federal, State, and local government
14 programs instituted in or legislation enacted re-
15 sponse to the COVID-19 emergency, shall be
16 deemed to be compensation for the property taken,
17 even if such assistance or benefit is not specifically
18 provided as compensation for property taken by this
19 section.

20 (3) APPEALS.—Any appeal from an action
21 under this section shall be treated under section 158
22 of title 28, United States Code, as if it were an ap-
23 peal in a case under title 11, United States Code.

24 (4) REPOSE.—Any action asserting a taking
25 under the Fifth Amendment to the Constitution of

1 the United States as a result of this section shall be
2 brought within not later than 180 days after the end
3 of the COVID–19 emergency.

4 (h) CREDIT FACILITY FOR OTHER PURPOSES.—

5 (1) ESTABLISHMENT.—The Board of Governors
6 of the Federal Reserve System shall establish a facil-
7 ity that the Board of Governors shall use to make
8 payments to covered financial institutions to com-
9 pensate such institutions for documented financial
10 losses caused by the suspension of payments re-
11 quired under this section .

12 (2) COVERED FINANCIAL INSTITUTION DE-
13 FINED.—In this subsection, the term “covered finan-
14 cial institution” means the holder of a loan described
15 under this section.

16 (i) DEFINITIONS.—In this section:

17 (1) CONSUMER.—The term “consumer” means
18 any individual obligated or allegedly obligated to pay
19 any debt.

20 (2) COVID–19 EMERGENCY.—The term
21 “COVID–19 emergency” means the period that be-
22 gins upon the date of the enactment of this Act and
23 ends on the date of the termination by the Federal
24 Emergency Management Agency of the emergency
25 declared on March 13, 2020, by the President under

1 the Robert T. Stafford Disaster Relief and Emer-
2 gency Assistance Act (42 U.S.C. 4121 et seq.) relat-
3 ing to the Coronavirus Disease 2019 (COVID-19)
4 pandemic.

5 (3) CREDITOR.—The term “creditor” means—

6 (A) any person who offers or extends cred-
7 it creating a debt or to whom a debt is owed
8 or other obligation for payment;

9 (B) any lessor of real or personal property;
10 or

11 (C) any provider of utility services.

12 (4) DEBT.—The term “debt”—

13 (A) means any obligation or alleged obliga-
14 tion that is or during the COVID emergency
15 becomes past due—

16 (i) for which the original agreement,
17 or if there is no agreement, the original ob-
18 ligation to pay was created before the
19 COVID emergency, whether or not such
20 obligation has been reduced to judgment;
21 and

22 (ii) that arises out of a transaction
23 with a consumer; and

24 (B) does not include a federally related
25 mortgage loan.

1 (5) DEBT COLLECTOR.—The term “debt col-
2 lector” means a creditor, and any person or entity
3 that engages in the collection of debt, including the
4 Federal Government and a State government, irre-
5 spective of whether the debt is allegedly owed to or
6 assigned to that person or to the entity.

7 (6) FEDERALLY RELATED MORTGAGE LOAN.—
8 The term “federally related mortgage loan” has the
9 meaning given that term under section 3 of the Real
10 Estate Settlement Procedures Act of 1974 (12
11 U.S.C. 2602).

12 **SEC. 105. EMERGENCY RENTAL ASSISTANCE.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated for grants under the Emer-
15 gency Solutions Grants program under subtitle B of title
16 IV of the McKinney-Vento Homeless Assistance Act (42
17 U.S.C. 11371 et seq.) \$100,000,000,000 for grants under
18 such subtitle only for providing rental assistance in ac-
19 cordance with section 415(a)(4) of such Act (42 U.S.C.
20 11374(a)(4)) and this section to respond to needs arising
21 from the emergency declared on March 13, 2020, by the
22 President under the Robert T. Stafford Disaster Relief
23 and Emergency Assistance Act (42 U.S.C. 4121 et seq.)
24 relating to the Coronavirus Disease 2019 (COVID–19)
25 pandemic.

1 (b) INCOME TARGETING.—For purposes of assistance
2 made available with amounts made available pursuant to
3 subsection (a)—

4 (1) section 401(1)(A) of the McKinney-Vento
5 Homeless Assistance Act (42 U.S.C. 11360(1)(A))
6 shall be applied by substituting “80 percent” for
7 “30 percent”; and

8 (2) each grantee of such amounts shall use not
9 less than 50 percent of the amounts received only
10 for providing assistance for persons or families expe-
11 riencing homelessness or at risk of homelessness,
12 who have incomes not exceeding 50 percent of the
13 median income for the relevant geographic area; ex-
14 cept that the Secretary may waive the requirement
15 under this paragraph if the grantee demonstrates to
16 the satisfaction of the Secretary that the population
17 in the geographic area served by the grantee having
18 such incomes is sufficiently being served with respect
19 to activities eligible for funding with such amounts.

20 (c) DEFINITION OF AT RISK OF HOMELESSNESS.—
21 For purposes of assistance made available with amounts
22 made available pursuant to subsection (a), section 401(1)
23 of the McKinney-Vento Homeless Assistance Act shall be
24 applied, during the period that begins on the date of the
25 enactment of this Act and ends upon the expiration of the

1 6-month period that begins upon the termination by the
2 Federal Emergency Management Agency of the emergency
3 declared on March 13, 2020, by the President under the
4 Robert T. Stafford Disaster Relief and Emergency Assist-
5 ance Act (42 U.S.C. 4121 et seq.) relating to the
6 Coronavirus Disease 2019 (COVID–19) pandemic, as if
7 subparagraph (C) were repealed.

8 (d) 3-YEAR AVAILABILITY.—Each grantee of
9 amounts made available pursuant to subsection (a) shall
10 expend—

11 (1) at least 60 percent of such grant amounts
12 within 2 years of the date that such funds became
13 available to the grantee for obligation; and

14 (2) 100 percent of such grant amounts within
15 3 years of such date.

16 The Secretary may recapture any amounts not expended
17 in compliance with paragraph (1) of this subsection and
18 reallocate such amounts to grantees in compliance with
19 the formula referred to in subsection (h)(1)(A) of this sec-
20 tion.

21 (e) RENT RESTRICTIONS.—Paragraph (1) of section
22 576.106(d) of the Secretary’s regulations (24 C.F.R.
23 576.106(d)(1)) shall be applied, with respect to rental as-
24 sistance made available with amounts made available pur-

1 suant to subsection (a), by substituting “120 percent of
2 the Fair Market Rent” for “the Fair Market Rent”.

3 (f) SUBLEASES.—Notwithstanding the second sen-
4 tence of subsection (g) of section 576.106 of the Sec-
5 retary’s regulations (24 C.F.R. 576.106(g)), a program
6 participant may sublet, with rental assistance made avail-
7 able with amounts made available pursuant to subsection
8 (a) of this section, a dwelling unit from a renter of the
9 dwelling unit if there is a legally binding, written lease
10 agreement for such sublease.

11 (g) HOUSING RELOCATION OR STABILIZATION AC-
12 TIVITIES.—A grantee of amounts made available pursuant
13 to subsection (a) may expend up to 20 percent of its allo-
14 cation for activities under section 415(a)(5) of the McKin-
15 ney-Vento Homeless Assistance Act (42 U.S.C.
16 11374(a)(5)).

17 (h) ALLOCATION OF ASSISTANCE.—

18 (1) IN GENERAL.—In allocating amounts made
19 available pursuant to subsection (a), the Secretary of
20 Housing and Urban Development shall—

21 (A) not later than 30 days after the date
22 of the enactment of this Act, allocate any such
23 amounts that do not exceed \$50,000,000,000
24 under the formula specified in subsections (a),
25 (b), and (e) of section 414 of the McKinney-

1 Vento Homeless Assistance Act (42 U.S.C.
2 11373) to, and notify, each State, metropolitan
3 city, and urban county that is to receive a di-
4 rect grant of such amounts; and

5 (B) not later than 120 days after the date
6 of the enactment of this Act, allocate any re-
7 maining amounts to eligible grantees by a for-
8 mula to be developed by the Secretary of Hous-
9 ing and Urban Development that takes into
10 consideration the formula referred to in sub-
11 paragraph (A) of this paragraph, and the need
12 for emergency rental assistance under this sec-
13 tion, including severe housing cost burden
14 among extremely low- and very low-income
15 renters and disruptions in housing and eco-
16 nomic conditions, including unemployment.

17 (2) ALLOCATIONS TO STATES.—A State recipi-
18 ent of an allocation under this section may elect to
19 directly administer up to 50 percent of its allocation
20 to carry out activities eligible under this section.

21 (3) ELECTION NOT TO ADMINISTER.—If a
22 grantee elects not to receive funds under this sec-
23 tion, such funds shall be allocated to the State re-
24 cipient in which the grantee is located.

1 (i) INAPPLICABILITY OF MATCHING REQUIRE-
2 MENT.—Subsection (a) of section 416 of the McKinney-
3 Vento Homeless Assistance Act (42 U.S.C. 11375(a))
4 shall not apply to any amounts made available pursuant
5 to subsection (a) of this section.

6 (j) PROHIBITION ON PREREQUISITES.—None of the
7 funds authorized under this section may be used to require
8 people experiencing homelessness to receive treatment or
9 perform any other prerequisite activities as a condition for
10 receiving shelter, housing, or other services.

11 (k) PUBLIC HEARINGS.—

12 (1) INAPPLICABILITY OF IN-PERSON HEARING
13 REQUIREMENTS.—A grantee may not be required to
14 hold in-person public hearings in connection with its
15 citizen participation plan, but shall provide citizens
16 with notice and a reasonable opportunity to com-
17 ment of not less than 15 days. Following the period
18 that begins upon the date of the enactment of this
19 Act and ends upon the date of the termination by
20 the Federal Emergency Management Agency of the
21 emergency declared on March 13, 2020, by the
22 President under the Robert T. Stafford Disaster Re-
23 lief and Emergency Assistance Act (42 U.S.C. 4121
24 et seq.) relating to the Coronavirus Disease 2019
25 (COVID–19) pandemic, and after the period de-

1 scribed in paragraph (2), the Secretary shall direct
2 grantees to resume pre-crisis public hearing require-
3 ments.

4 (2) VIRTUAL PUBLIC HEARINGS.—During the
5 period that national or local health authorities rec-
6 ommend social distancing and limiting public gath-
7 erings for public health reasons, a grantee may ful-
8 fill applicable public hearing requirements for all
9 grants from funds made available pursuant to this
10 section by carrying out virtual public hearings. Any
11 such virtual hearings shall provide reasonable notifi-
12 cation and access for citizens in accordance with the
13 grantee’s certifications, timely responses from local
14 officials to all citizen questions and issues, and pub-
15 lic access to all questions and responses.

16 (1) ADMINISTRATION.—Of any amounts made avail-
17 able pursuant to subsection (a), not more than the lesser
18 of 0.5 percent, or \$15,000,000, may be used for staffing,
19 training, technical assistance, technology, monitoring, re-
20 search, and evaluation activities necessary to carry out the
21 program carried out under this section, and such amounts
22 shall remain available until September 30, 2024.

23 **SEC. 106. EMERGENCY HOMELESS ASSISTANCE.**

24 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated under the Emergency Solu-

1 tions Grants program under subtitle B of title IV of the
2 McKinney-Vento Homeless Assistance Act (42 U.S.C.
3 11371 et seq.) \$15,500,000,000 for grants under such
4 subtitle in accordance with this section to respond to needs
5 arising from the public health emergency relating to
6 Coronavirus Disease 2019 (COVID–19).

7 (b) FORMULA.—Notwithstanding sections 413 and
8 414 of the McKinney-Vento Homeless Assistance Act (42
9 U.S.C. 11372, 11373), the Secretary of Housing and
10 Urban Development (in this Act referred to as the “Sec-
11 retary”) shall allocate amounts made available pursuant
12 to subsection (a) in accordance with a formula to be estab-
13 lished by the Secretary that takes into consideration the
14 following factors:

15 (1) Risk of transmission of coronavirus in a ju-
16 risdiction.

17 (2) Whether a jurisdiction has a high number
18 or rate of sheltered and unsheltered homeless indi-
19 viduals and families.

20 (3) Economic and housing market conditions in
21 a jurisdiction.

22 (c) ELIGIBLE ACTIVITIES.—In addition to eligible ac-
23 tivities under section 415(a) of the McKinney-Vento
24 Homeless Assistance Act (42 U.S.C. 11374(a), amounts

1 made available pursuant to subsection (a) may also be
2 used for costs of the following activities:

3 (1) Providing training on infectious disease pre-
4 vention and mitigation.

5 (2) Providing hazard pay, including for time
6 worked before the effectiveness of this clause, for
7 staff working directly to prevent and mitigate the
8 spread of coronavirus or COVID–19 among people
9 experiencing or at risk of homelessness.

10 (3) Reimbursement of costs for eligible activi-
11 ties (including activities described in this paragraph)
12 relating to preventing, preparing for, or responding
13 to the coronavirus or COVID–19 that were accrued
14 before the date of the enactment of this Act.

15 Use of such amounts for activities described in this para-
16 graph shall not be considered use for administrative pur-
17 poses for purposes of section 418 of the McKinney-Vento
18 Homeless Assistance Act (42 U.S.C. 11377).

19 (d) INAPPLICABILITY OF PROCUREMENT STAND-
20 ARDS.—To the extent amounts made available pursuant
21 to subsection (a) are used to procure goods and services
22 relating to activities to prevent, prepare for, or respond
23 to the coronavirus or COVID–19, the standards and re-
24 quirements regarding procurement that are otherwise ap-
25 plicable shall not apply.

1 (e) INAPPLICABILITY OF HABITABILITY AND ENVI-
2 RONMENTAL REVIEW STANDARDS.—Any Federal stand-
3 ards and requirements regarding habitability and environ-
4 mental review shall not apply with respect to any emer-
5 gency shelter that is assisted with amounts made available
6 pursuant to subsection (a) and has been determined by
7 a State or local health official, in accordance with such
8 requirements as the Secretary shall establish, to be nec-
9 essary to prevent and mitigate the spread of coronavirus
10 or COVID–19, such shelters.

11 (f) INAPPLICABILITY OF CAP ON EMERGENCY SHEL-
12 TER ACTIVITIES.—Subsection (b) of section 415 of the
13 McKinney-Vento Homeless Assistance Act shall not apply
14 to any amounts made available pursuant to subsection
15 (a)(1) of this section.

16 (g) INITIAL ALLOCATION OF ASSISTANCE.—Section
17 417(b) of the McKinney-Vento Homeless Assistance Act
18 (42 U.S.C. 11376(b)) shall be applied with respect to
19 amounts made available pursuant to subsection (a) by
20 substituting “30-day” for “60-day”.

21 (h) WAIVERS AND ALTERNATIVE REQUIREMENTS.—

22 (1) AUTHORITY.—In administering amounts
23 made available pursuant to subsection (a), the Sec-
24 retary may waive, or specify alternative require-
25 ments for, any provision of any statute or regulation

1 (except for any requirements related to fair housing,
2 nondiscrimination, labor standards, and the environ-
3 ment) that the Secretary administers in connection
4 with the obligation or use by the recipient of such
5 amounts, if the Secretary finds that good cause ex-
6 ists for the waiver or alternative requirement and
7 such waiver or alternative requirement is consistent
8 with the purposes described in this subsection.

9 (2) EFFECTIVENESS; APPLICABILITY.—Any
10 such waivers shall be deemed to be effective as of
11 the date a State or unit of local government began
12 preparing for coronavirus and shall apply to the use
13 of amounts made available pursuant to subsection
14 (a) and amounts provided in prior appropriation
15 Acts for fiscal year 2020 under the heading “De-
16 partment of Housing and Urban Development—
17 Community Planning and Development—Commu-
18 nity Development Fund” and used by recipients for
19 the purposes described in this subsection.

20 (3) NOTIFICATION.—The Secretary shall notify
21 the public through the Federal Register or other ap-
22 propriate means 5 days before the effective date of
23 any such waiver or alternative requirement, and any
24 such public notice may be provided on the Internet
25 at the appropriate Government web site or through

1 other electronic media, as determined by the Sec-
2 retary.

3 (4) EXEMPTION.—The use of amounts made
4 available pursuant to subsection (a) shall not be sub-
5 ject to the consultation, citizen participation, or
6 match requirements that otherwise apply to the
7 Emergency Solutions Grants program, except that a
8 recipient shall publish how it has and will utilize its
9 allocation at a minimum on the Internet at the ap-
10 propriate Government web site or through other
11 electronic media.

12 (i) INAPPLICABILITY OF MATCHING REQUIRE-
13 MENT.—Subsection (a) of section 416 of the McKinney-
14 Vento Homeless Assistance Act (42 U.S.C. 11375(a))
15 shall not apply to any amounts made available pursuant
16 to subsection (a) of this section.

17 (j) PROHIBITION ON PREREQUISITES.—None of the
18 funds authorized under this section may be used to require
19 people experiencing homelessness to receive treatment or
20 perform any other prerequisite activities as a condition for
21 receiving shelter, housing, or other services.

1 **SEC. 107. PARTICIPATION OF INDIAN TRIBES AND TRIB-**
2 **ALLY DESIGNATED HOUSING ENTITIES IN**
3 **CONTINUUM OF CARE PROGRAM.**

4 (a) IN GENERAL.—Title IV of the McKinney-Vento
5 Homeless Assistance Act (42 U.S.C. 11360 et seq.) is
6 amended—

7 (1) in section 401 (42 U.S.C. 11360)—

8 (A) by redesignating paragraphs (10)
9 through (33) as paragraphs (12) through (35),
10 respectively;

11 (B) by redesignating paragraphs (8) and
12 (9) as paragraphs (9) and (10), respectively;

13 (C) by inserting after paragraph (7) the
14 following:

15 “(8) FORMULA AREA.—The term ‘formula area’
16 has the meaning given the term in section 1000.302
17 of title 24, Code of Federal Regulations, or any suc-
18 cessor regulation.”;

19 (D) in paragraph (9), as so redesignated,
20 by inserting “a formula area,” after “non-
21 entitlement area,”; and

22 (E) by inserting after paragraph (10), as
23 so redesignated, the following:

24 “(11) INDIAN TRIBE.—The term ‘Indian Tribe’
25 has the meaning given the term ‘Indian tribe’ in sec-
26 tion 4 of the Native American Housing Assistance

1 and Self-Determination Act of 1996 (25 U.S.C.
2 4103).”; and

3 (2) in subtitle C (42 U.S.C. 11381 et seq.), by
4 adding at the end the following:

5 **“SEC. 435. PARTICIPATION OF INDIAN TRIBES AND TRIB-**
6 **ALLY DESIGNATED HOUSING ENTITIES.**

7 “Notwithstanding any other provision of this title, for
8 purposes of this subtitle, an Indian Tribe or tribally des-
9 ignated housing entity (as defined in section 4 of the Na-
10 tive American Housing Assistance and Self-Determination
11 Act of 1996 (25 U.S.C. 4103)) may—

12 “(1) be a collaborative applicant or eligible enti-
13 ty; or

14 “(2) receive grant amounts from another entity
15 that receives a grant directly from the Secretary,
16 and use the amounts in accordance with this sub-
17 title.”.

18 (b) **TECHNICAL AND CONFORMING AMENDMENT.—**

19 The table of contents in section 101(b) of the McKinney-
20 Vento Homeless Assistance Act (Public Law 100–77; 101
21 Stat. 482) is amended by inserting after the item relating
22 to section 434 the following:

“Sec. 435. Participation of Indian Tribes and tribally designated housing enti-
ties.”.

23 **SEC. 108. HOUSING ASSISTANCE FUND.**

24 (a) **DEFINITIONS.—**In this section:

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

3 (2) STATE.—The term “State” means any
4 State of the United States, the District of Columbia,
5 any territory of the United States, Puerto Rico,
6 Guam, American Samoa, the Virgin Islands, and the
7 Northern Mariana Islands.

8 (b) ESTABLISHMENT OF FUND.—There is estab-
9 lished at the Department of the Treasury a Housing As-
10 sistance Fund to provide such funds as are allocated in
11 subsection (f) to State housing finance agencies for the
12 purpose of preventing homeowner mortgage defaults, fore-
13 closures, and displacements of individuals and families ex-
14 periencing financial hardship after January 21, 2020.

15 (c) ALLOCATION OF FUNDS.—

16 (1) IN GENERAL.—The Secretary of the Treas-
17 ury shall establish such criteria as are necessary to
18 allocate the funds available within the Housing As-
19 sistance Fund to each State. The Secretary shall al-
20 locate such funds among all States taking into con-
21 sideration the number of unemployment claims with-
22 in a State relative to the nation-wide number of un-
23 employment claims.

1 (2) SMALL STATE MINIMUM.—Each State shall
2 receive no less than \$125,000,000 for the purposes
3 established in subsection (b).

4 (d) DISBURSEMENT OF FUNDS.—

5 (1) INITIAL DISBURSEMENT.—The Secretary
6 shall disburse to the State housing finance agencies
7 not less than $\frac{1}{2}$ of the amount made available pur-
8 suant to this section, and in accordance with the al-
9 locations established under subsection (c), not later
10 than 120 days after the date of enactment of this
11 Act. The Secretary or designee shall enter into a
12 contract with each State housing finance agency,
13 which may be amended from time to time, estab-
14 lishing the terms of the use of such funds prior to
15 the disbursement of such funds.

16 (2) SECOND DISBURSEMENT.—The Secretary
17 shall disburse all funds made available pursuant to
18 this section, and in accordance with the allocations
19 established under subsection (c), not later than 180
20 days after the date of enactment of this Act.

21 (e) PERMISSIBLE USES OF FUND.—

22 (1) IN GENERAL.—Funds made available to
23 State housing finance agencies pursuant to this sec-
24 tion may be used for the purposes established under
25 subsection (b), which may include—

1 (A) mortgage payment assistance;

2 (B) financial assistance to allow a bor-
3 rower to reinstate their mortgage following a
4 period of forbearance;

5 (C) principal reduction;

6 (D) utility payment assistance, including
7 electric, gas, and water payment assistance;

8 (E) any program established under the
9 Housing Finance Agency Innovation Fund for
10 the Hardest Hit Housing Markets;

11 (F) reimbursement of funds expended by a
12 State or local government during the period be-
13 ginning on January 21, 2020, and ending on
14 the date that the first funds are disbursed by
15 the State under the Housing Assistance Fund,
16 for the purpose of providing housing or utility
17 assistance to individuals or otherwise providing
18 funds to prevent foreclosure or eviction of a
19 homeowner or prevent mortgage delinquency or
20 loss of housing or critical utilities as a response
21 to the coronavirus disease 2019 (COVID-19)
22 pandemic; and

23 (G) any other assistance to prevent evic-
24 tion, mortgage delinquency or default, fore-
25 closure, or the loss of essential utility services.

1 (2) ADMINISTRATIVE EXPENSES.—Not greater
2 than 10 percent of the amount allocated to a State
3 pursuant to subsection (c) may be used by a State
4 housing financing agency for administrative ex-
5 penses. Any amounts allocated to administrative ex-
6 penses that are no longer necessary for administra-
7 tive expenses may be used in accordance with para-
8 graph (1).

9 (f) APPROPRIATION.—There is appropriated, out of
10 amounts in the Treasury not otherwise appropriated, for
11 the fiscal year ending September 30, 2020, to remain
12 available until expended or transferred or credited under
13 subsection (h), \$35,000,000,000 to the Housing Assist-
14 ance Fund established under subsection (b).

15 (g) USE OF HOUSING FINANCE AGENCY INNOVATION
16 FUND FOR THE HARDEST HIT HOUSING MARKETS
17 FUNDS.—A State housing finance agency may reallocate
18 any administrative or programmatic funds it has received
19 as an allocation from the Housing Finance Agency Inno-
20 vation Fund for the Hardest Hit Housing Markets created
21 pursuant to section 101(a) of the Emergency Economic
22 Stabilization Act of 2008 (12 U.S.C. 5211(a)) that have
23 not been otherwise allocated or disbursed as of the date
24 of enactment of this Act to supplement any administrative
25 or programmatic funds received from the Housing Assist-

1 ance Fund. Such reallocated funds shall not be considered
2 when allocating resources from the Housing Assistance
3 Fund using the process established under subsection (c)
4 and shall remain available for the uses permitted and
5 under the terms and conditions established by the contract
6 with Secretary created pursuant to subsection (d)(1) and
7 the terms of subsection (h).

8 (h) RESCISSION OF FUNDS.—Any funds that have
9 not been allocated by a State housing finance agency to
10 provide assistance as described under subsection (e) by
11 December 31, 2030, shall be reallocated by the Secretary
12 in the following manner:

13 (1) 65 percent shall be transferred or credited
14 to the Housing Trust Fund established under sec-
15 tion 1338 of the Federal Housing Enterprises Fi-
16 nancial Safety and Soundness Act of 1992 (12
17 U.S.C. 4568); and

18 (2) 35 percent shall be transferred or credited
19 to the Capital Magnet Fund under section 1339 of
20 the Federal Housing Enterprises Financial Safety
21 and Soundness Act of 1992 (12 U.S.C. 4569).

22 (i) REPORTING REQUIREMENTS.—The Secretary
23 shall provide public reports not less frequently than quar-
24 terly regarding the use of funds provided by the Housing
25 Assistance Funds. Such reports shall include the following

1 data by State and by program within each State, both for
2 the past quarter and throughout the life of the program—

3 (1) the amount of funds allocated;

4 (2) the amount of funds disbursed;

5 (3) the number of households and individuals
6 assisted;

7 (4) the acceptance rate of applicants;

8 (5) the average amount of assistance provided
9 per household receiving assistance;

10 (6) the average length of assistance provided
11 per household receiving assistance;

12 (7) the income ranges of households for each
13 household receiving assistance; and

14 (8) the outcome 12 months after the household
15 has received assistance.

16 **SEC. 109. MORTGAGE FORBEARANCE.**

17 (a) FINDINGS.—

18 (1) FINDINGS.—Congress finds that—

19 (A) the collection of debts involves the use
20 of the mails and wires and other instrumental-
21 ities of interstate commerce;

22 (B) at times of major disaster or emer-
23 gency, the income of consumers is often im-
24 paired and their necessary daily expenses often
25 increase;

1 (C) temporary forbearance benefits not
2 only consumer and small business debtors, but
3 also other creditors by avoiding downward col-
4 lateral price spirals triggered by an increase in
5 foreclosure activity;

6 (D) without forbearance, many consumers
7 and small businesses are unlikely to be able to
8 pay their obligations according to their original
9 terms and are likely to default on obligations or
10 file for bankruptcy, resulting in reduced recov-
11 eries for creditors, and in the case of bank-
12 ruptcy, no recovery of unaccrued interest;

13 (E) with forbearance, creditors are likely
14 to realize greater long-term value because con-
15 sumers and small businesses will be more likely
16 to be able to repay their obligations after the
17 major disaster or emergency has subsided;

18 (F) the legislative and administrative re-
19 sponse to major disasters and emergencies may
20 consist of multiple components divided among
21 different statutes and programs; and

22 (G) when evaluating whether property has
23 been taken from a person without just com-
24 pensation, a holistic evaluation of the burdens
25 and benefits of all legislative and administrative

1 responses, including indirect benefits from mac-
2 roeconomic stabilization, is appropriate.

3 (2) FURTHER FINDINGS REGARDING MORTGAGE
4 FORBEARANCE.—Congress further finds that—

5 (A) ensuring that consumers are able to
6 remain in their residences reduces the disrup-
7 tions and economic harm caused by such disas-
8 ters and emergencies by ensuring that con-
9 sumers are able to continue their existing em-
10 ployment, education, childcare, and healthcare
11 arrangements, which are often geographically-
12 based;

13 (B) temporary forbearance on residential
14 mortgages is therefore critical to fostering eco-
15 nomic recovery and stability in the wake of
16 major disasters or emergencies;

17 (C) temporary mortgage forbearance dur-
18 ing a declared disaster benefits not only mort-
19 gagors, but also mortgagees because mortga-
20 gors' ability to pay is likely to be restored after
21 a disaster or emergency subsides, so forbear-
22 ance may increase mortgagors' total recovery.
23 Without forbearance, mortgagors are likely to
24 default or file for bankruptcy, resulting in sig-
25 nificant losses for mortgagees; and

1 (D) temporary mortgage forbearance dur-
2 ing a declared disaster also benefits the mortga-
3 gees of other properties because housing prices
4 are geographically and serially correlated so an
5 increase in foreclosures can drive down the
6 value of collateral for all mortgage lenders, fur-
7 ther destabilizing the economy.

8 (3) FURTHER FINDINGS REGARDING MORTGAGE
9 SERVICERS.—Congress further finds that—

10 (A) mortgage servicers are often contrac-
11 tually obligated to advance scheduled mortgage
12 payments to securitization investors, irrespec-
13 tive of whether the servicer collects the payment
14 from the mortgagor;

15 (B) mortgage servicers are often thinly
16 capitalized and with limited capacity for engag-
17 ing in large scale advancing of payments to
18 securitization investors;

19 (C) securitization investors have long been
20 aware of servicers' thin capitalization;

21 (D) in the wake of the 2008 financial cri-
22 sis, several servicers had difficulty obtaining
23 sufficiently liquidity to make advances;

24 (E) mortgage servicing is a heavily regu-
25 lated industry;

1 (F) in response to the 2008 financial cri-
2 sis, Congress created a safe harbor for mort-
3 gage servicers that undertook loan modifica-
4 tions;

5 (G) in response to the 2008 financial cri-
6 sis, the Home Affordable Modification Program
7 paid mortgage servicers to undertake loan
8 modifications;

9 (H) as part of the 2012 joint State-Fed-
10 eral National Mortgage Settlement, mortgage
11 servicers committed to undertaking loan modi-
12 fications; and

13 (I) investors in mortgage securitizations
14 are or should be aware of servicers' thin cap-
15 italization, liquidity constraints, the extent and
16 history of servicing regulation and therefore do
17 not have a reasonable expectation that the
18 terms of servicing contracts will be enforceable
19 at times of national financial crisis.

20 (4) DETERMINATION.—It is the sense of the
21 Congress that, on the basis of the findings described
22 under paragraphs (1), (2), and (3), the Congress de-
23 termines that the provisions of this Act are nec-
24 essary and proper for the purpose of carrying into
25 execution the powers of the Congress to regulate

1 commerce among the several States and to establish
2 uniform bankruptcy laws.

3 (b) PROHIBITION ON FORECLOSURES AND REPOS-
4 SESSIONS DURING THE COVID–19 EMERGENCY.—

5 (1) PROHIBITION ON FORECLOSURES.—The
6 Real Estate Settlement Procedures Act of 1974 (12
7 U.S.C. 2601 et seq.) is amended—

8 (A) in section 3 (12 U.S.C. 2602)—

9 (i) in paragraph (8), by striking
10 “and” at the end;

11 (ii) in paragraph (9), by striking the
12 period at the end and inserting “; and”;
13 and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(10) the term ‘COVID–19 emergency’ means
17 the period that begins upon the date of the enact-
18 ment of this Act and ends on the date of the termi-
19 nation by the Federal Emergency Management
20 Agency of the emergency declared on March 13,
21 2020, by the President under the Robert T. Stafford
22 Disaster Relief and Emergency Assistance Act (42
23 U.S.C. 4121 et seq.) relating to the Coronavirus
24 Disease 2019 (COVID–19) pandemic.”; and

1 (B) in section 6(k)(1) (12 U.S.C.
2 2605(k)(1))—

3 (i) in subparagraph (D), by striking
4 “or” at the end;

5 (ii) by redesignating subparagraph
6 (E) as subparagraph (G); and

7 (iii) by inserting after subparagraph
8 (D) the following:

9 “(E) commence or continue any judicial
10 foreclosure action or non-judicial foreclosure
11 process or any action to evict a consumer fol-
12 lowing a foreclosure during the COVID–19
13 emergency or the 180-day period following such
14 emergency (except that such prohibition shall
15 not apply to a mortgage secured by a dwelling
16 that the servicer has determined after exer-
17 cising reasonable diligence is vacant or aban-
18 doned);

19 “(F) fail to toll the time in a foreclosure
20 process on a property during the COVID–19
21 emergency or the 180-day period following such
22 emergency (except that such prohibition shall
23 not apply to a mortgage secured by a dwelling
24 that the servicer has determined after exer-

1 cising reasonable diligence is vacant or aban-
2 doned); or”.

3 (2) REPOSSESSION PROHIBITION.—During the
4 COVID–19 emergency and for the 180-day period
5 following such emergency, a servicer of a consumer
6 loan secured by a manufactured home or a motor ve-
7 hicle may not repossess such home or vehicle.

8 (c) FORBEARANCE OF RESIDENTIAL MORTGAGE
9 LOAN PAYMENTS FOR SINGLE FAMILY PROPERTIES (1–
10 4 UNITS).—Section 6 of the Real Estate Settlement Pro-
11 cedures Act of 1974 (12 U.S.C. 2605) is amended by add-
12 ing at the end the following:

13 “(n) FORBEARANCE DURING THE COVID–19 EMER-
14 GENCY.—

15 “(1) CONSUMER RIGHT TO REQUEST A FOR-
16 BEARANCE.—

17 “(A) REQUEST FOR FORBEARANCE.—A
18 borrower experiencing a financial hardship dur-
19 ing the COVID–19 emergency may request for-
20 bearance from any mortgage obligation, regard-
21 less of delinquency status, by submitting a re-
22 quest to the borrower’s servicer, either orally or
23 in writing, affirming that the borrower is expe-
24 riencing hardship during the COVID–19 emer-
25 gency. A borrow shall not be required to provide

1 any additional documentation to receive such
2 forbearance.

3 “(B) LENGTH OF FORBEARANCE; EXTEN-
4 SION.—A forbearance requested pursuant to
5 subparagraph (A) shall be provided for a period
6 of 180 days, and may be extended upon request
7 of the borrower for an additional 180 days.

8 “(C) TREATMENT OF TENANTS.—A bor-
9 rower receiving a forbearance under this sub-
10 section with respect to a mortgage secured by
11 a dwelling that has tenants, whether or not the
12 borrower also lives in the dwelling, shall provide
13 the tenants with rent relief for a period not less
14 than the period covered by the forbearance.

15 “(2) AUTOMATIC FORBEARANCE FOR DELIN-
16 QUENT BORROWERS.—

17 “(A) IN GENERAL.—Notwithstanding any
18 other law governing forbearance relief, during
19 the COVID–19 emergency, any borrower who is
20 or becomes 60 days or more delinquent on a
21 mortgage obligation shall automatically be
22 granted a 180-day forbearance, which may be
23 extended upon request of the borrower for an
24 additional 180 days. Such a borrower may elect
25 to continue making regular payments by noti-

1 fying the servicer of the mortgage obligation of
2 such election.

3 “(B) NOTICE TO BORROWER.—The
4 servicer of a mortgage obligation placed in for-
5 bearance pursuant to subparagraph (A) shall
6 provide the borrower written notification of the
7 forbearance and its duration as well as informa-
8 tion about available loss mitigation options and
9 the right to end the forbearance and resume
10 making regular payments.

11 “(C) TREATMENT OF PAYMENTS DURING
12 FORBEARANCE.—Any payments made by the
13 borrower during the forbearance period shall be
14 credited to the borrower’s account in accord-
15 ance with section 129F of the Truth in Lending
16 Act (15 U.S.C. 1639f) or as the borrower may
17 otherwise instruct that is consistent with the
18 terms of the mortgage loan contract.

19 “(3) REQUIREMENTS FOR SERVICERS.—

20 “(A) NOTIFICATION.—

21 “(i) IN GENERAL.—Each servicer of a
22 federally related mortgage loan shall notify
23 the borrower of their right to request for-
24 bearance under paragraph (1)—

1 “(I) not later than 14 days after
2 the date of enactment of this sub-
3 section; and

4 “(II) until the end of COVID–19
5 emergency—

6 “(aa) on each periodic state-
7 ment provided to the borrower;
8 and

9 “(bb) in any oral or written
10 communication by the servicer
11 with or to the borrower.

12 “(ii) MANNER OF NOTIFICATION.—

13 “(I) WRITTEN NOTIFICATION.—
14 Any written notification required
15 under this section—

16 “(aa) shall be provided—

17 “(AA) in English and
18 Spanish and in any addi-
19 tional languages in which
20 the servicer communicates,
21 including the language in
22 which the loan was nego-
23 tiated, to the extent known
24 by the servicer; and

1 “(BB) at least as clear-
2 ly and conspicuously as the
3 most clear and conspicuous
4 disclosure on the document;

5 “(bb) shall include the noti-
6 fication of the availability of lan-
7 guage assistance and housing
8 counseling produced by the Fed-
9 eral Housing Finance Agency
10 under subsection (o); and

11 “(cc) may be provided by
12 first-class mail or electronically,
13 if the borrower has otherwise
14 consented to electronic commu-
15 nication with the servicer and has
16 not revoked such consent.

17 “(II) ORAL NOTIFICATION.—Any
18 oral notification required under clause
19 (i) shall be provided in the language
20 the servicer otherwise uses to commu-
21 nicate with the borrower.

22 “(III) WRITTEN TRANS-
23 LATIONS.—In providing written notifi-
24 cations in languages other than
25 English under subclause (I), a

1 servicer may rely on written trans-
2 lations developed by the Federal
3 Housing Finance Agency or the Bu-
4 reau.

5 “(B) OTHER REQUIREMENTS.—

6 “(i) FORBEARANCE REQUIRED.—

7 Upon receiving a request for forbearance
8 from a consumer under paragraph (1) or
9 placing a borrower in automatic forbear-
10 ance under paragraph (2), a servicer shall
11 provide the forbearance for not less than
12 180 days, and an additional 180 days at
13 the request of the borrower, provided that
14 the borrower will have the option to dis-
15 continue the forbearance at any time.

16 “(ii) PROHIBITION ON FEES, PEN-
17 ALTIES, AND INTEREST.—During the pe-
18 riod of a forbearance under this sub-
19 section, no fees, penalties or additional in-
20 terest beyond the amounts scheduled or
21 calculated as if the borrower made all con-
22 tractual payments on time and in full
23 under the terms of the mortgage contract
24 in effect at the time the borrower enters
25 into the forbearance shall accrue.

1 “(iii) TREATMENT OF ESCROW PAY-
2 MENTS.—If a borrower in forbearance
3 under this subsection is required to make
4 payments to an escrow account, the
5 servicer shall pay or advance the escrow
6 disbursements in a timely manner (defined
7 as on or before the deadline to avoid a
8 penalty), regardless of the status of the
9 borrower’s payments. The servicer may col-
10 lect any resulting escrow shortage or defi-
11 ciency from the borrower after the forbear-
12 ance period ends, in a lump sum payment,
13 spread over 60 months, or capitalized into
14 the loan, at the borrower’s election.”.

15 (d) NOTIFICATION OF LANGUAGE ASSISTANCE AND
16 HOUSING COUNSELING.—Section 6 of the Real Estate
17 Settlement Procedures Act of 1974 (12 U.S.C. 2605), as
18 amended by subsection (c), is further amended by adding
19 at the end the following:

20 “(o) NOTIFICATION OF LANGUAGE ASSISTANCE AND
21 HOUSING COUNSELING.—

22 “(1) IN GENERAL.—The Federal Housing Fi-
23 nance Agency shall, within 30 days of the date of
24 enactment of this Act, make available a document
25 providing notice of the availability of language as-

1 sistance and housing counseling in substantially the
2 same form, and in at least the same languages, as
3 the existing Language Translation Disclosure.

4 “(2) MINIMUM REQUIREMENT.—The document
5 described under subsection (a) shall include the no-
6 tice in at least all the languages for which Federal
7 Housing Finance Agency currently has translations
8 on its existing Language Translation Disclosure
9 available.

10 “(3) PROVISION TO SERVICERS.—The Federal
11 Housing Finance Agency shall make this document
12 available to servicers to fulfill their requirements
13 under subsection (n).”.

14 (e) UNITED STATES DEPARTMENT OF AGRICULTURE
15 DIRECT LOAN PROGRAM.—Section 505 of the Housing
16 Act of 1949 (42 U.S.C. 1475) is amended—

17 (1) by redesignating subsection (b) as sub-
18 section (c); and

19 (2) by inserting after subsection (a) the fol-
20 lowing:

21 “(b) LOAN MODIFICATION.—

22 “(1) IN GENERAL.—The Secretary shall imple-
23 ment a loan modification program to modify the
24 terms of outstanding loans for borrowers who face
25 financial hardship.

1 “(2) AFFORDABLE PAYMENTS.—The Sec-
2 retary’s loan modification program under paragraph
3 (1) shall be designed so as to provide affordable pay-
4 ments for borrowers. In defining ‘affordable pay-
5 ments’ the Secretary shall consult definitions of af-
6 fordability promulgated by the Federal Housing Fi-
7 nance Authority, the Department of Housing and
8 Urban Development, and the Bureau of Consumer
9 Financial Protection.

10 “(3) ADDITIONAL PROGRAM REQUIREMENTS.—
11 The Secretary’s loan modification program under
12 paragraph (1) shall allow for measures including ex-
13 tension of the remaining loan term to up to 480
14 months and a reduction in interest rate to the mar-
15 ket interest rate as defined by regulations of the
16 Secretary. The modification program shall be avail-
17 able for borrowers in a moratorium and for bor-
18 rowers not already in a moratorium who qualify
19 under the terms established by the Secretary. The
20 Secretary may also establish reasonable additional
21 measures for providing affordable loan modifications
22 to borrowers”;

23 (3) in subsection (c), as so redesignated, by
24 adding at the end the following: “Acceleration of the
25 promissory note and initiation of foreclosure pro-

1 ceedings shall not terminate a borrower’s eligibility
2 for a moratorium, loan reamortization, special serv-
3 icing, or other foreclosure alternative.”; and

4 (4) by adding at the end the following:

5 “(d) REQUIREMENT.—The Secretary shall comply
6 with subsection (k)(1), (n), and (o) of section 6 of the
7 Real Estate Settlement Procedures Act of 1974 with re-
8 spect to any single-family loans it holds or services.”.

9 (f) FORBEARANCE OF RESIDENTIAL MORTGAGE
10 LOAN PAYMENTS FOR MULTIFAMILY PROPERTIES (5+
11 UNITS).—

12 (1) IN GENERAL.—During the COVID–19
13 emergency, a multifamily borrower experiencing a fi-
14 nancial hardship due, directly or indirectly, to the
15 COVID–19 emergency may request a forbearance
16 under the terms set forth in this section.

17 (2) REQUEST FOR RELIEF.—A multifamily bor-
18 rower may submit a request for forbearance under
19 paragraph (1) to the borrower’s servicer, either oral-
20 ly or in writing, affirming that the multifamily bor-
21 rower is experiencing hardship during the COVID–
22 19 emergency.

23 (3) FORBEARANCE PERIOD.—

1 (A) IN GENERAL.—Upon receipt of an oral
2 or written request for forbearance from a multi-
3 family borrower, a servicer shall—

4 (i) document the financial hardship;

5 (ii) provide the forbearance for not
6 less than 180 days; and

7 (iii) provide the forbearance for an ad-
8 ditional 180 days upon the request of the
9 borrower at least 30 days prior to the end
10 of the forbearance period described under
11 subparagraph (A).

12 (B) RIGHT TO DISCONTINUE.—A multi-
13 family borrower shall have the option to dis-
14 continue the forbearance at any time.

15 (4) RENTER PROTECTIONS.—During the term
16 of a forbearance under this section, a multifamily
17 borrower may not—

18 (A) evict a tenant for nonpayment of rent;

19 or

20 (B) apply or accrue any fees or other pen-
21 alties on renters for nonpayment of rent.

22 (5) OBLIGATION TO BRING THE LOAN CUR-
23 RENT.—A multifamily borrower shall bring a loan
24 placed in forbearance under this section current
25 within the earlier of—

1 (A) 12 months after the conclusion of the
2 forbearance period; or

3 (B) receipt of any business interruption in-
4 surance proceeds by the multifamily borrower.

5 (6) DEFINITION.—For the purposes of this sub-
6 section, the term “multifamily borrower” means a
7 borrower of a residential mortgage loan that is se-
8 cured by a lien against a property comprising five or
9 more dwelling units.

10 (g) FEDERAL RESERVE CREDIT FACILITY FOR
11 MORTGAGE SERVICERS.—

12 (1) IN GENERAL.—The Board of Governors of
13 the Federal Reserve System and the Secretary of the
14 Treasury, pursuant to the authority granted under
15 section 13(3) of the Federal Reserve Act, directly
16 (or indirectly through an intermediary, such as the
17 Federal National Mortgage Association, the Federal
18 Home Loan Mortgage Corporation, the Government
19 National Mortgage Association, an insured deposi-
20 tory institution, non-depository lending institution,
21 or a special purpose vehicle)—

22 (A) shall extend credit to mortgage
23 servicers and other obligated advancing parties
24 that in each case have liquidity needs due to the
25 COVID–19 emergency or compliance with this

1 Act with respect to mortgage loans (the “af-
2 fected mortgages”); and

3 (B) may extend further credit to mortgage
4 servicers for other liquidity needs due to the ac-
5 tual or imminent delinquency or default on
6 mortgage loans due to the COVID–19 emer-
7 gency.

8 (2) NON-COMPLIANT SERVICERS.—A mortgage
9 servicer shall not be eligible for assistance under
10 paragraph (1) if the provider is in violation of any
11 requirement under this Act, and fails to promptly
12 cure any such violation upon notice or discovery
13 thereof.

14 (3) PAYMENTS AND PURCHASES.—Credit ex-
15 tended under paragraph (1)(A) shall be in an
16 amount sufficient to—

17 (A) cover—

18 (i) the pass-through payment of prin-
19 cipal and interest to mortgage-backed se-
20 curities holders;

21 (ii) the payment of taxes and insur-
22 ance to third parties; and

23 (iii) the temporary reimbursement of
24 modification costs and fees due to servicers
25 that will be deferred until such time as a

1 forbearance period terminates, due in each
2 case on, or in respect of, such affected
3 mortgage loans or related mortgage-backed
4 securities;

5 (B) purchase affected mortgages from
6 pools of securitized mortgages

7 (4) COLLATERAL.—The credit authorized by
8 this section shall be secured by the pledgor’s interest
9 in accounts receivable, loans, or related interests re-
10 sulting from the payment advances made on the af-
11 fected mortgages by the mortgage servicers.

12 (5) CREDIT SUPPORT.—The Secretary of the
13 Treasury shall provide credit support to the Board
14 of Governors of the Federal Reserve System for the
15 program required by this section.

16 (6) CONFLICT WITH OTHER LAWS.—Notwith-
17 standing any Federal or State law to the contrary,
18 the Federal National Mortgage Association, the Fed-
19 eral Home Loan Mortgage Corporation, and the
20 Government National Mortgage Association may
21 permit the pledge or grant of a security interest in
22 the pledgor’s interest in such accounts receivable or
23 loans or related interests and honor or permit the
24 enforcement of such pledge or grant in accordance
25 with its terms.

1 (7) DURATION.—The extension of credit by the
2 Board of Governors of the Federal Reserve System
3 and credit support from the Secretary of the Treas-
4 ury under this section shall be available until the
5 later of—

6 (A) 6 months after the end of the COVID–
7 19 emergency; and

8 (B) the date on which on the Board of
9 Governors of the Federal Reserve System and
10 the Secretary of the Treasury determine such
11 credit and credit support should no longer be
12 available to address the liquidity concern ad-
13 dressed by this section.

14 (8) AMENDMENTS TO NATIONAL HOUSING
15 ACT.—Section 306(g)(1) of the National Housing
16 Act (12 U.S.C. 1721(g)(1)) is amended—

17 (A) by inserting the following new sentence
18 after the fourth sentence in the paragraph: “In
19 any case in which (I) the President declares a
20 major disaster or emergency for the nation or
21 any area that in either case has been affected
22 by damage or other adverse effects of sufficient
23 severity and magnitude to warrant major dis-
24 aster assistance under the Robert T. Stafford
25 Disaster Relief and Emergency Assistance Act

1 or other Federal law, (II) upon request of an
2 Issuer of any security, the Association elects to
3 extend to the Issuer one or more of the disaster
4 assistance or emergency programs that the As-
5 sociation determines to be available to account
6 for the Issuer's failure or anticipated failure to
7 receive from the mortgagor the full amount of
8 principal and interest due, then (III) the Asso-
9 ciation may elect not to declare the Issuer to be
10 in default because of such request for such dis-
11 aster or emergency assistance.”;

12 (B) by inserting after the word “issued” in
13 the sixth sentence, as redesignated, the fol-
14 lowing: “subject to any pledge or grant of secu-
15 rity interest of the pledgor's interest in and to
16 any such mortgage or mortgages or any interest
17 therein and the proceeds thereon, which the As-
18 sociation may elect to approve;”; and

19 (C) by inserting after the word “issued” in
20 the seventh sentence, as redesignated, the fol-
21 lowing: “, or (D) its approval and honoring of
22 any pledge or grant of security interest of the
23 pledgor's interest in and to any such mortgage
24 or mortgages or any interest therein and pro-
25 ceeds thereon.”.

1 (h) SAFE HARBOR.—

2 (1) IN GENERAL.—Notwithstanding any other
3 provision of law, whenever a servicer of residential
4 mortgages of residential mortgage-backed securi-
5 ties—

6 (A) grants a borrower relief under section
7 6(n) and 6(p) of the Real Estate Settlement
8 Procedures Act of 1974 with respect to a resi-
9 dential mortgage originated before April 1,
10 2020, including a mortgage held in a
11 securitization or other investment vehicle, and

12 (B) the servicer or trustee or issuer owes
13 a duty to investors or other parties regarding
14 the standard for servicing such mortgage,
15 the servicer shall be deemed to have satisfied the
16 such a duty, and the servicer shall not be liable to
17 any party who is owed such a duty and shall not be
18 subject to any injunction, stay, or other equitable re-
19 lief to such party, based upon its good faith compli-
20 ance with the provisions of 6(n) and 6(p) of the Real
21 Estate Settlement Procedures Act of 1974. Any per-
22 son, including a trustee or issuer, who cooperates
23 with a servicer when such cooperation is necessary
24 for the servicer to implement the provisions of 6(n)
25 and 6(p) of the Real Estate Settlement Procedures

1 Act of 1974 shall be protected from liability in the
2 same manner.

3 (2) STANDARD INDUSTRY PRACTICE.—Compli-
4 ance with 6(n) and 6(p) of the Real Estate Settle-
5 ment Procedures Act of 1974 during the COVID–19
6 emergency shall constitute standard industry prac-
7 tice for purposes of all Federal and State laws.

8 (3) DEFINITIONS.—As used in this sub-
9 section—

10 (A) the term “servicer” has the meaning
11 given that term under section 6(i)(2) of the
12 Real Estate Settlement Procedures Act of 1974
13 (12 U.S.C. 2605(i)(2)); and

14 (B) the term “securitization vehicle” has
15 the meaning given that term under section
16 129A(f)(3) of the Truth in Lending Act (15
17 U.S.C. 1639a(f)(3)).

18 (4) RULE OF CONSTRUCTION.—No provision of
19 paragraph (1) or (2) shall be construed as affecting
20 the liability of any servicer or person for actual
21 fraud in servicing of a loan or for the violation of
22 a State or Federal law.

23 (i) POST-PANDEMIC MORTGAGE REPAYMENT OP-
24 TIONS.—Section 6 of the Real Estate Settlement Proce-
25 dures Act of 1974 (12 U.S.C. 2605), as amended by sub-

1 section (d), is further amended by adding at the end the
2 following:

3 “(p) POST-PANDEMIC MORTGAGE REPAYMENT OP-
4 TIONS.—With respect to a federally related residential
5 mortgage loan, before the end of any forbearance provided
6 under subsection (n), servicers shall—

7 “(1) evaluate the borrower’s ability to return to
8 making regular mortgage payments;

9 “(2) if the borrower is able to return to making
10 regular mortgage payments at the end of the for-
11 bearance period—

12 “(A) modify the borrower’s loan to extend
13 the term for the same period as the length of
14 the forbearance, with all payments that were
15 not made during the forbearance distributed at
16 the same intervals as the borrower’s existing
17 payment schedule and evenly distributed across
18 those intervals, with no penalties, late fees, ad-
19 ditional interest accrued beyond the amounts
20 scheduled or calculated as if the borrower made
21 all contractual payments on time and in full
22 under the terms of the mortgage contract in ef-
23 fect at the time the borrower entered into the
24 forbearance, and with no modification fee
25 charged to the borrower; or

1 “(B) if the borrower elects to modify the
2 loan to capitalize a resulting escrow shortage or
3 deficiency, the servicer may modify the bor-
4 rower’s loan by re-amortizing the principal bal-
5 ance and extending the term of the loan suffi-
6 cient to maintain the regular mortgage pay-
7 ments; and

8 “(C) notify the borrower in writing of the
9 extension, including provision of a new payment
10 schedule and date of maturity, and that the
11 borrower shall have the election of prepaying
12 the suspended payments at any time, in a lump
13 sum or otherwise;

14 “(3) if the borrower is financially unable to re-
15 turn to making periodic mortgage payments as pro-
16 vided for in the mortgage contract at the end of the
17 COVID–19 emergency—

18 “(A) evaluate the borrower for all loan
19 modification options, without regard to whether
20 the borrower has previously requested, been of-
21 fered, or provided a loan modification or other
22 loss mitigation option and without any require-
23 ment that the borrower come current before
24 such evaluation or as a condition of eligibility
25 for such modification, including—

1 “(i) further extending the borrower’s
2 repayment period;

3 “(ii) reducing the principal balance of
4 the loan; or

5 “(iii) other modification or loss miti-
6 gation options available to the servicer
7 under the terms of any investor require-
8 ments and existing laws and policies; and

9 “(B) if the borrower qualifies for such a
10 modification, the service shall offer a loan with
11 such terms as to provide a loan with such terms
12 as to provide an affordable payment, with no
13 penalties, late fees, additional interest beyond
14 the amounts scheduled or calculated as if the
15 borrower made all contractual payments on
16 time and in full under the terms of the mort-
17 gage contract in effect at the time the borrower
18 entered into the forbearance, and with no modi-
19 fication fees charged to the borrower; and

20 “(4) if a borrower is granted a forbearance on
21 payments that would be owed pursuant to a trial
22 loan modification plan—

23 “(A) any forbearance of payments shall
24 not be treated as missed or delinquent pay-

1 ments or otherwise negatively affect the bor-
2 rower's ability to complete their trial plan;

3 “(B) any past due amounts as of the end
4 of the trial period, including unpaid interest,
5 real estate taxes, insurance premiums, and as-
6 sessments paid on the borrower's behalf, will be
7 added to the mortgage loan balance, but only to
8 the extent that such charges are not fees associ-
9 ated with the granting of the forbearance, such
10 as late fees, modification fees, or unpaid inter-
11 est from the period of the forbearance beyond
12 the amounts scheduled or calculated as if the
13 borrower made all contractual payments on
14 time and in full under the terms of the mort-
15 gage contract in effect at the time the borrower
16 entered into the forbearance; and

17 “(C) if the borrower is unable to resume
18 payments on the trial modification at the end of
19 the forbearance period, re-evaluate the borrower
20 for all available loan modifications under para-
21 graph 3, without any requirement that the bor-
22 rower become current before such evaluation or
23 as a condition of eligibility for such modifica-
24 tion.”.

1 (j) CLAIMS OF AFFECTED INVESTORS AND OTHER
2 PARTIES.—Any action asserting a taking under the Fifth
3 Amendment to the Constitution of the United States as
4 a result of this subsection shall be brought not later than
5 180 days after the end of the COVID–19 emergency.

6 (k) EXTENSION OF THE GSE PATCH.—The Director
7 of the Bureau of Consumer Financial Protection shall re-
8 vise section 1026.43(e)(4)(iii)(B) of title 12, Code of Fed-
9 eral Regulations, to extend the sunset of the special rule
10 provided under such section 1026.43(e)(4) until January
11 1, 2022, or such later date as may be determined by the
12 Bureau.

13 (l) DEFINITIONS.—In this section:

14 (1) COVID–19 EMERGENCY.—The term
15 “COVID–19 emergency” means the period that be-
16 gins upon the date of the enactment of this Act and
17 ends on the date of the termination by the Federal
18 Emergency Management Agency of the emergency
19 declared on March 13, 2020, by the President under
20 the Robert T. Stafford Disaster Relief and Emer-
21 gency Assistance Act (42 U.S.C. 4121 et seq.) relat-
22 ing to the Coronavirus Disease 2019 (COVID–19)
23 pandemic.

24 (2) MANUFACTURED HOME.—The term “manu-
25 factured home” has the meaning given that term

1 under section 603 of the National Manufactured
2 Housing Construction and Safety Standards Act of
3 1974 (42 U.S.C. 5402).

4 (3) MOTOR VEHICLE.—The term “motor vehi-
5 cle” has the meaning given that term under Section
6 1029(f) of the Consumer Financial Protection Act of
7 2010 (12 U.S.C. 5519(f)).

8 (4) RESIDENTIAL MORTGAGE LOAN.—The term
9 “residential mortgage loan” means any consumer
10 credit transaction that is secured by a mortgage,
11 deed of trust, or other equivalent consensual security
12 interest on residence consisting of a single dwelling
13 unit that is occupied by the mortgagor.

14 **SEC. 110. BANKRUPTCY PROTECTIONS.**

15 (a) INCREASING THE HOMESTEAD EXEMPTION.—

16 (1) HOMESTEAD EXEMPTION.—Section 522 of
17 title 11, United States Code, is amended—

18 (A) in subsection (d)(1), by striking
19 “\$15,000” and inserting “\$100,000”; and

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

21 “(r) Notwithstanding any other provision of applica-
22 ble nonbankruptcy law, a debtor in any State may exempt
23 from property of the estate the property described in sub-
24 section (d)(1) not to exceed the value in subsection (d)(1)

1 if the exemption for such property permitted by applicable
2 nonbankruptcy law is lower than that amount.”.

3 (b) EFFECT OF MISSED MORTGAGE PAYMENTS ON
4 DISCHARGE.—Section 1328 of title 11, United States
5 Code, is amended by adding at the end the following:

6 “(i) A debtor shall not be denied a
7 discharge under this section because, as of
8 the date of discharge, the debtor did not
9 make 6 or fewer payments directly to the
10 holder of a debt secured by real property.

11 “(j) Notwithstanding subsections (a) and (b), upon
12 the debtor’s request, the court shall grant a discharge of
13 all debts provided for in the plan that are dischargeable
14 under subsection (a) if the debtor—

15 “(1) has made payments under a confirmed
16 plan for at least 1 year; and

17 “(2) is experiencing a loss of income or increase
18 in expenses due, directly or indirectly, to the
19 coronavirus disease 2019 (COVID–19) pandemic.”.

20 (c) MODIFICATION OF CHAPTER 13 PLAN DUE TO
21 HARDSHIP CAUSED BY COVID-19 PANDEMIC.—Section
22 1329 of title 11, United States Code, is amended by add-
23 ing at end the following:

1 “(d)(1) Subject to paragraph (3), for cases confirmed
2 prior to the date of enactment of this subsection, the plan
3 may be modified upon the request of the debtor if—

4 “(A) the debtor is experiencing or has ex-
5 perienced a material financial hardship due, di-
6 rectly or indirectly, to the coronavirus disease
7 2019 (COVID–19) pandemic; and

8 “(B) the modification is approved after no-
9 tice and a hearing.

10 “(2) A modification under paragraph (1) may
11 include extending the period of time for payments on
12 claims not later than 7 years after the date on which
13 the first payment under the original confirmed plan
14 was due.

15 “(3) Sections 1322(a), 1322(b), 1323(c), and
16 the requirements of section 1325(a) shall apply to
17 any modification under paragraph (1).”.

18 (d) APPLICABILITY.—

19 (1) The amendments made by subsections (a)
20 and (b) shall apply to any case commenced before,
21 on, or after the date of enactment of this Act.

22 (2) The amendment made by subsection (c)
23 shall apply to any case for which a plan has been
24 confirmed under section 1325 of title 11, United

1 States Code, before the date of enactment of this
2 Act.

3 **SEC. 111. DEBT COLLECTION.**

4 (a) TEMPORARY DEBT COLLECTION MORATORIUM
5 DURING THE COVID-19 EMERGENCY PERIOD.—

6 (1) IN GENERAL.—The Fair Debt Collection
7 Practices Act (15 U.S.C. 1692 et seq.) is amended
8 by inserting after section 812 the following:

9 **“§ 812A. Temporary debt collection moratorium dur-**
10 **ing the COVID-19 emergency period**

11 “(a) DEFINITIONS.—In this section:

12 “(1) CONSUMER.—The term ‘consumer’ means
13 any natural person obligated or allegedly obligated
14 to pay any debt.

15 “(2) COVID-19 EMERGENCY PERIOD.—The
16 term ‘COVID-19 emergency period’ means the pe-
17 riod that begins upon the date of the enactment of
18 this Act and ends upon the date of the termination
19 by the Federal Emergency Management Administra-
20 tion of the emergency declared on March 13, 2020,
21 by the President under the Robert T. Stafford Dis-
22 aster Relief and Emergency Assistance Act (42
23 U.S.C. 4121 et seq.) relating to the Coronavirus
24 Disease 2019 (COVID-19) pandemic.

1 “(3) CREDITOR.—The term ‘creditor’ means
2 any person who offers or extends credit creating a
3 debt or to whom a debt is owed or other obligation
4 of payment.

5 “(4) DEBT.—The term ‘debt’—

6 “(A) means any past due obligation or al-
7 leged obligation of a consumer, non-profit orga-
8 nization, or small business to pay money—

9 “(i) arising out of a transaction in
10 which the money, property, insurance, or
11 services which are the subject of the trans-
12 action are primarily for personal, family,
13 business, non-profit, or household pur-
14 poses, whether or not such obligation has
15 been reduced to judgment;

16 “(ii) owed to a local, State, or Federal
17 government;

18 “(B) does not include federally related
19 mortgages (as defined under section 3 of the
20 Real Estate Settlement Procedures Act of
21 1974) unless a deficiency judgment has been
22 made with respect to such federally related
23 mortgage.

24 “(5) DEBT COLLECTOR.—The term ‘debt col-
25 lector’ includes a creditor and any person or entity

1 that engages in the collection of debt (including the
2 Federal Government or a State government) whether
3 or not the debt is allegedly owed to or assigned to
4 that person or entity.

5 “(6) DEPOSITORY INSTITUTION.—The term ‘de-
6 pository institution’—

7 “(A) has the meaning given that term
8 under section 3 of the Federal Deposit Insur-
9 ance Act; and

10 “(B) means a Federal or State credit
11 union (as such terms are defined, respectively,
12 under section 101 of the Federal Credit Union
13 Act.)

14 “(7) NON-PROFIT ORGANIZATION.—The term
15 ‘non-profit organization’ means an organization de-
16 scribed in section 501(c)(3) of the Internal Revenue
17 Code of 1986 and exempt from taxation under sub-
18 section (a) of such section.

19 “(8) SMALL BUSINESS.—The term ‘small busi-
20 ness’ has the meaning given the term ‘small business
21 concern’ under section 3 of the Small Business Act
22 (15 U.S.C. 632).

23 “(b) PROHIBITIONS.—Notwithstanding any other
24 provision of law, during COVID–19 emergency period and

1 the 120-day period immediately following, a debt collector
2 is prohibited from—

3 “(1) capitalizing or adding extra interest or fees
4 triggered by the non-payment of an obligation by a
5 consumer, small business, or non-profit organization
6 to the balance of an account;

7 “(2) suing or threatening to sue a consumer,
8 small business, or non-profit for a past-due debt;

9 “(3) continuing litigation initiated before the
10 date of enactment of this section to collect a debt
11 from a consumer, small business, or non-profit orga-
12 nization;

13 “(4) enforcing a security interest, including
14 through repossession or foreclosure, against a con-
15 sumer, small business, or non-profit organization;

16 “(5) reporting a past due debt of a consumer,
17 small business, or non-profit organization to a con-
18 sumer reporting agency;

19 “(6) taking or threatening to take any action to
20 enforce collection, or any adverse action against a
21 consumer, small business, or non-profit organization
22 for non-payment or for non-appearance at any hear-
23 ings related to a debt;

24 “(7) except with respect to enforcing an order
25 for child support or spousal support, initiating or

1 continuing any action to cause or to seek to cause
2 the collection of a debt from wages, Federal benefits,
3 or other amounts due to a consumer, small business,
4 or non-profit organization, by way of garnishment,
5 deduction, offset, or other seizure, or to cause or
6 seek to cause the collection of a debt by seizing
7 funds from a bank account or any other assets held
8 by such consumer, small business, or non-profit or-
9 ganization;

10 “(8) in the case of action or collection described
11 under paragraph (7) that was initiated prior to the
12 beginning of the date of such disaster or emergency,
13 failing to suspend the action or collection until 120
14 days after the end of the COVID–19 emergency pe-
15 riod;

16 “(9) upon the termination of the incident period
17 for such disaster or emergency, failing to extend the
18 time period to pay an obligation by one payment pe-
19 riod for each payment that a consumer, small busi-
20 ness, or non-profit organization missed during the
21 incident period, with the payments due in the same
22 amounts and at the same intervals as the pre-exist-
23 ing payment schedule of the consumer, small busi-
24 ness, or non-profit organization (as applicable) or, if
25 the debt has no payment periods, allow the con-

1 sumer, small business, or non-profit a reasonable
2 time in which to repay the debt in affordable pay-
3 ments;

4 “(10) disconnecting a consumer, small business,
5 or non-profit organization from a utility prepaid or
6 post-paid electricity, natural gas, telecommuni-
7 cations, broadband, water, or sewer service; or

8 “(11) exercising a right to set off provision con-
9 tained in any consumer, small business, or non-prof-
10 it organization account agreement with a depository
11 institution.

12 “(c) VIOLATION.—Any person who violates a provi-
13 sion of this section shall—

14 “(1) be treated as a debt collector for purposes
15 of section 813; and

16 “(2) be liable to the consumer, small business,
17 or non-profit organization an amount equal to 10
18 times the damages allowed under section 813 for
19 each such violation.”.

20 (2) TABLE OF CONTENTS AMENDMENT.—The
21 table of contents at the beginning of the Fair Debt
22 Collection Practices Act (15 U.S.C. 1692 et seq.) is
23 amended by inserting after the item relating to sec-
24 tion 812 the following new item:

 “812A. Temporary debt collection moratorium during the COVID–19 emergency
 period.”.

1 (b) CONFESSIONS OF JUDGMENT PROHIBITION.—

2 (1) IN GENERAL.—Chapter 2 of the Truth in
3 Lending Act (15 U.S.C. 1631 et seq.) is amended—

4 (A) by adding at the end the following:

5 **“§ 140B. Confessions of judgment prohibition**

6 “(a) IN GENERAL.—During a period described under
7 section 812A(b) of the Fair Debt Collection Practices Act,
8 no person may directly or indirectly take or receive from
9 another person or seek to enforce an obligation that con-
10 stitutes or contains a cognovit or confession of judgment
11 (for purposes other than executory process in the State
12 of Louisiana), warrant of attorney, or other waiver of the
13 right to notice and the opportunity to be heard in the
14 event of suit or process thereon.

15 “(b) EXEMPTION.—The exemption in section 104(1)
16 shall not apply to this section.

17 “(c) DEBT DEFINED.—In this section, the term
18 ‘debt’ means any obligation of a person to pay to another
19 person money—

20 “(1) regardless of whether the obligation is ab-
21 solute or contingent, if the understanding between
22 the parties is that any part of the money shall be
23 or may be returned;

24 “(2) that includes the right of the person pro-
25 viding the money to an equitable remedy for breach

1 of performance if the breach gives rise to a right to
2 payment; and

3 “(3) regardless of whether the obligation or
4 right to an equitable remedy described in paragraph
5 (2) has been reduced to judgment or is fixed, contin-
6 gent, matured, unmatured, disputed, undisputed, se-
7 cured, or unsecured.”; and

8 (B) in the table of contents for such chap-
9 ter, by adding at the end the following:

“140B. Confessions of judgment prohibition.”.

10 (2) CONFORMING AMENDMENT.—Section
11 130(a) of the Truth in Lending Act (15 U.S.C.
12 1640(a)) is amended by adding at the end the fol-
13 lowing: “For purposes of this section, the term
14 ‘creditor’ refers to any person charged with compli-
15 ance.”.

16 **SEC. 112. DISASTER PROTECTION FOR WORKERS’ CREDIT.**

17 (a) PURPOSE.—The purpose of this section, and the
18 amendments made by this section, is to protect consumers’
19 credit from negative impacts as a result of financial hard-
20 ship due to the coronavirus disease (COVID–19) outbreak
21 and future major disasters.

22 (b) REPORTING OF INFORMATION DURING MAJOR
23 DISASTERS.—

1 (1) IN GENERAL.—The Fair Credit Reporting
2 Act is amended by inserting after section 605B the
3 following:

4 **“§ 605C. Reporting of information during major disas-**
5 **ters**

6 “(a) DEFINITIONS.—In this section:

7 “(1) COVID–19 EMERGENCY PERIOD.—The
8 term ‘COVID–19 emergency period’ means the pe-
9 riod beginning on the date of enactment of this sec-
10 tion and ending on the later of—

11 “(A) 120 days after the date of enactment
12 of this section; or

13 “(B) 120 days after the date of termi-
14 nation by the Federal Emergency Management
15 Administration of the emergency declared on
16 March 13, 2020, by the President under the
17 Robert T. Stafford Disaster Relief and Emer-
18 gency Assistance Act (42 U.S.C. 4121 et seq.)
19 relating to the Coronavirus Disease 2019
20 (COVID–19) pandemic.

21 “(2) COVERED MAJOR DISASTER PERIOD.—The
22 term ‘covered major disaster period’ means—

23 “(A) the period beginning on the date on
24 which a major disaster is declared by the Presi-
25 dent under section 401 of the Robert T. Staf-

1 ford Disaster Relief and Emergency Assistance
2 Act (42 U.S.C. 5170), under which assistance
3 is authorized under section 408 of such Act (42
4 U.S.C. 5174), and ending on the date that is
5 120 days after the end of the incident period
6 designated in such declaration; or

7 “(B) the period ending 120 days after the
8 date of termination by the Federal Emergency
9 Management Administration of the emergency
10 declared on March 13, 2020, by the President
11 under the Robert T. Stafford Disaster Relief
12 and Emergency Assistance Act (42 U.S.C. 4121
13 et seq.) relating to the Coronavirus Disease
14 2019 (COVID–19) pandemic.

15 “(3) MAJOR DISASTER.—The term ‘major dis-
16 aster’ means a major disaster declared by the Presi-
17 dent under section 401 of the Robert T. Stafford
18 Disaster Relief and Emergency Assistance Act (42
19 U.S.C. 5170), under which assistance is authorized
20 under section 408 of such Act (42 U.S.C. 5174)

21 “(b) MORATORIUM ON FURNISHING ADVERSE IN-
22 FORMATION DURING COVID–19 EMERGENCY PERIOD.—
23 No person may furnish any adverse item of information
24 (except information related to a felony criminal conviction)
25 relating to a consumer that was the result of any action

1 or inaction that occurred during the COVID–19 emer-
2 gency period.

3 “(c) MORATORIUM ON FURNISHING ADVERSE INFOR-
4 MATION DURING COVERED MAJOR DISASTER PERIOD.—
5 No person may furnish any adverse item of information
6 (except information related to a felony criminal conviction)
7 relating to a consumer that was the result of any action
8 or inaction that occurred during a covered major disaster
9 period if the consumer is a resident of the affected area
10 covered by a declaration made by the President under sec-
11 tion 401 of the Robert T. Stafford Disaster Relief and
12 Emergency Assistance Act (42 U.S.C. 5170), under which
13 assistance is authorized under section 408 of such Act (42
14 U.S.C. 5174).

15 “(d) INFORMATION EXCLUDED FROM CONSUMER
16 REPORTS.—In addition to the information described in
17 section 605(a), no consumer reporting agency may make
18 any consumer report containing an adverse item of infor-
19 mation (except information related to a felony criminal
20 conviction) reported relating to a consumer that was the
21 result of any action or inaction that occurred during the
22 COVID–19 emergency period or a covered major disaster
23 period, and as applicable under subsection (f)(3), for 270
24 days after the expiration of the applicable period.

1 “(e) SUMMARY OF RIGHTS.—Not later than 60 days
2 after the date of enactment of this subsection, the Bureau
3 shall update the model summary of rights under section
4 609(c)(1) to include a description of the right of a con-
5 sumer to—

6 “(1) request the deletion of adverse items of in-
7 formation under subsection (f); and

8 “(2) request a consumer report or score, with-
9 out charge to the consumer, under subsection (g).

10 “(f) DELETION OF ADVERSE ITEMS OF INFORMA-
11 TION RESULTING FROM THE CORONAVIRUS DISEASE
12 (COVID–19) OUTBREAK AND MAJOR DISASTERS.—

13 “(1) REPORTING.—

14 “(A) IN GENERAL.—Not later than 60
15 days after the date of enactment of this sub-
16 section, the Bureau shall create a website for
17 consumers to report, under penalty of perjury,
18 economic hardship as a result of the
19 coronavirus disease (COVID–19) outbreak or a
20 major disaster (if the consumer is a resident of
21 the affected area covered by such major dis-
22 aster) for the purpose of extending credit report
23 protection for an additional 270 days after the
24 end of the COVID–19 emergency period or cov-
25 ered major disaster period, as applicable.

1 “(B) DOCUMENTATION.—The Bureau
2 shall—

3 “(i) not require any documentation
4 from a consumer to substantiate the eco-
5 nomic hardship; and

6 “(ii) provide notice to the consumer
7 that a report under subparagraph (A) is
8 under penalty of perjury.

9 “(C) REPORTING PERIOD.—A consumer
10 may report economic hardship under subpara-
11 graph (A) during the COVID–19 emergency pe-
12 riod or a covered major disaster period, as ap-
13 plicable, and for 60 days thereafter.

14 “(2) DATABASE.—The Bureau shall establish
15 and maintain a secure database that—

16 “(A) is accessible to each consumer report-
17 ing agency described in section 603(p) and na-
18 tionwide specialty consumer reporting agency
19 for purposes of fulfilling their duties under
20 paragraph (3) to check and automatically delete
21 any adverse item of information (except infor-
22 mation related to a felony criminal conviction)
23 reported that occurred during the COVID–19
24 emergency period or a covered major disaster
25 period with respect to a consumer; and

1 “(B) contains the information reported
2 under paragraph (1).

3 “(3) DELETION OF ADVERSE ITEMS OF INFOR-
4 MATION BY NATIONWIDE CONSUMER REPORTING
5 AND NATIONWIDE SPECIALTY CONSUMER REPORT-
6 ING AGENCIES.—

7 “(A) IN GENERAL.—Each consumer re-
8 porting agency described in section 603(p) and
9 each nationwide specialty consumer reporting
10 agency shall, using the information contained in
11 the database established under paragraph (2),
12 delete from the file of each consumer named in
13 the database each adverse item of information
14 (except information related to a felony criminal
15 conviction) that was a result of an action or in-
16 action that occurred during the COVID–19
17 emergency period or a covered major disaster
18 period up to 270 days following the end of the
19 such period.

20 “(B) TIMELINE.—Each consumer report-
21 ing agency described in section 603(p) and each
22 nationwide specialty consumer reporting agency
23 shall check the database at least weekly and de-
24 lete adverse items of information as soon as
25 practicable after information that is reported

1 under paragraph (1) appears in the database
2 established under paragraph (2).

3 “(4) REQUEST FOR DELETION OF ADVERSE
4 ITEMS OF INFORMATION.—

5 “(A) IN GENERAL.—A consumer who has
6 filed a report of economic hardship with the
7 Bureau may submit a request, without charge
8 to the consumer, to a consumer reporting agen-
9 cy to delete from the consumer’s file an adverse
10 item of information (except information related
11 to a felony criminal conviction) that was a re-
12 sult of an action or inaction that occurred dur-
13 ing the COVID–19 emergency period or a cov-
14 ered major disaster period up to 270 days fol-
15 lowing the end of the such period.

16 “(B) TIMING.—A consumer may submit a
17 request under subparagraph (A), not later than
18 270-day period described in that subparagraph.

19 “(C) REMOVAL AND NOTIFICATION.—Upon
20 receiving a request under this paragraph to de-
21 lete an adverse item of information, a consumer
22 reporting agency shall—

23 “(i) delete the adverse item of infor-
24 mation (except information related to a fel-

1 ony criminal conviction) from the con-
2 sumer's file; and

3 “(ii) notify the consumer and the fur-
4 nisher of the adverse item of information
5 of the deletion.

6 “(g) FREE CREDIT REPORT AND SCORES.—

7 “(1) IN GENERAL.—During the COVID–19
8 emergency period or a covered major disaster period
9 and ending 12 months after the expiration of the
10 COVID–19 emergency period or covered major dis-
11 aster period, as applicable, each consumer reporting
12 agency as described under 603(p) and nationwide
13 specialty consumer reporting agency shall make all
14 disclosures described under section 609 upon request
15 by a consumer, by mail or online, without charge to
16 the consumer and without limitation as to the num-
17 ber of requests. A consumer reporting agency shall
18 also supply a consumer, upon request and without
19 charge, with a credit score that—

20 “(A) is derived from a credit scoring model
21 that is widely distributed to users by the con-
22 sumer reporting agency for the purpose of any
23 extension of credit or other transaction des-
24 ignated by the consumer who is requesting the
25 credit score; or

1 “(B) is widely distributed to lenders of
2 common consumer loan products and predicts
3 the future credit behavior of the consumer.

4 “(2) TIMING.—A file disclosure or credit score
5 under paragraph (1) shall be provided to the con-
6 sumer not later than—

7 “(A) 7 days after the date on which the re-
8 quest is received if the request is made by mail;
9 and

10 “(B) not later than 15 minutes if the re-
11 quest is made online.

12 “(3) ADDITIONAL REPORTS.—A file disclosure
13 provided under paragraph (1) shall be in addition to
14 any disclosure requested by the consumer under sec-
15 tion 612(a).

16 “(4) PROHIBITION.—A consumer reporting
17 agency that receives a request under paragraph (1)
18 may not request or require any documentation from
19 the consumer that demonstrates that the consumer
20 was impacted by the coronavirus disease (COVID–
21 19) outbreak or a major disaster (except to verify
22 that the consumer resides in an area covered by the
23 major disaster) as a condition of receiving the file
24 disclosure or score.

1 “(h) POSTING OF RIGHTS.—Not later than 30 days
2 after the date of enactment of this section, each consumer
3 reporting agency shall prominently post and maintain a
4 direct link on the homepage of the public website of the
5 consumer reporting agency information relating to the
6 right of consumers to—

7 “(1) request the deletion of adverse items of in-
8 formation (except information related to a felony
9 criminal conviction) under subsection (f); and

10 “(2) request consumer file disclosures and
11 scores, without charge to the consumer, under sub-
12 section (g).

13 “(i) BAN ON REPORTING MEDICAL DEBT INFORMA-
14 TION RELATED TO COVID–19 OR A MAJOR DISASTER.—

15 “(1) FURNISHING BAN.—No person shall fur-
16 nish adverse information to a consumer reporting
17 agency related to medical debt if such medical debt
18 is with respect to medical expenses related to treat-
19 ments arising from COVID–19 or a major disaster
20 (whether or not the expenses were incurred during
21 the COVID–19 emergency period or covered major
22 disaster period).

23 “(2) CONSUMER REPORT BAN.—No consumer
24 reporting agency may made a consumer report con-
25 taining adverse information related to medical debt

1 if such medical debt is with respect to medical ex-
2 penses related to treatments arising from COVID-
3 19 or a major disaster (whether or not the expenses
4 were incurred during the COVID-19 emergency pe-
5 riod or covered major disaster period).

6 “(j) CREDIT SCORING MODELS.—A person that cre-
7 ates and implements credit scoring models may not treat
8 the absence, omission, or deletion of any information pur-
9 suant to this section as a negative factor or negative value
10 in credit scoring models created or implemented by such
11 person.”.

12 (2) TECHNICAL AND CONFORMING AMEND-
13 MENT.—The table of contents for the Fair Credit
14 Reporting Act is amended by inserting after the
15 item relating to section 605B the following:

“605C. Reporting of information during major disasters.”.

16 (c) LIMITATIONS ON NEW CREDIT SCORING MODELS
17 DURING THE COVID-19 EMERGENCY AND MAJOR DIS-
18 ASTERS.—The Fair Credit Reporting Act (15 U.S.C. 1681
19 et seq.) is amended—

20 (1) by adding at the end the following:

21 **“§ 630. Limitations on new credit scoring models dur-**
22 **ing the COVID-19 emergency and major**
23 **disasters**

24 “With respect to a person that creates and imple-
25 ments credit scoring models, such person may not, during

1 the COVID–19 emergency period or a covered major dis-
2 aster period (as such terms are defined under section
3 605C), create or implement a new credit scoring model
4 (including a revision to an existing scoring model) if the
5 new credit scoring model would identify a significant per-
6 centage of consumers as being less creditworthy when
7 compared to the previous credit scoring models created or
8 implemented by such person.”; and

9 (2) in the table of contents for such Act, by
10 adding at the end the following new item:

“630. Limitations on new credit scoring models during major disasters.”.

11 **SEC. 113. STUDENT LOANS.**

12 (a) PAYMENTS FOR FEDERAL STUDENT LOAN BOR-
13 ROWERS AS A RESULT OF A NATIONAL EMERGENCY.—

14 (1) IN GENERAL.—Part G of title IV of the
15 Higher Education Act of 1965 (20 U.S.C. 1088 et
16 seq.) is amended by inserting after section 493D the
17 following:

18 **“SEC. 493E. PAYMENTS FOR STUDENT LOAN BORROWERS**
19 **DURING THE COVID–19 NATIONAL EMER-**
20 **GENCY.**

21 “(a) DEFINITIONS.—In this section:

22 “(1) CORONAVIRUS.—The term ‘coronavirus’
23 has the meaning given the term in section 506 of the
24 Coronavirus Preparedness and Response Supple-

1 mental Appropriations Act, 2020 (Public Law 116–
2 123).

3 “(2) INCOME-DRIVEN REPAYMENT.—The term
4 ‘income-driven repayment’ means—

5 “(A) income-based repayment authorized
6 under section 493C for loans made, insured, or
7 guaranteed under part B or part D; or

8 “(B) income contingent repayment author-
9 ized under section 455(e) for loans made under
10 part D.

11 “(3) INVOLUNTARY COLLECTION.—The term
12 ‘involuntary collection’ means—

13 “(A) a wage garnishment authorized under
14 section 488A of this Act or section 3720D of
15 title 31, United States Code;

16 “(B) a reduction of tax refund by amount
17 of debt authorized under section 3720A of title
18 31, United States Code;

19 “(C) a reduction of any other Federal ben-
20 efit payment by administrative offset authorized
21 under section 3716 of title 31, United States
22 Code (including a benefit payment due to an in-
23 dividual under the Social Security Act or any
24 other provision described in subsection
25 (c)(3)(A)(i) of such section); and

1 “(D) any other involuntary collection activ-
2 ity, including any collection activity through
3 which a borrower is compelled to make pay-
4 ments on a private student loan.

5 “(4) COVID–19 EMERGENCY PERIOD.—For
6 purposes of this Act, the term ‘COVID–19 emer-
7 gency period’ means the period that begins upon the
8 date of the enactment of this Act and ends upon the
9 date of the termination by the Federal Emergency
10 Management Administration of the emergency de-
11 clared on March 13, 2020, by the President under
12 the Robert T. Stafford Disaster Relief and Emer-
13 gency Assistance Act (42 U.S.C. 4121 et seq.) relat-
14 ing to the Coronavirus Disease 2019 (COVID–19)
15 pandemic.

16 “(b) COVID–19 NATIONAL EMERGENCY STUDENT
17 LOAN REPAYMENT ASSISTANCE.—

18 “(1) AUTHORITY.—Effective on the date of the
19 enactment of this section, during the COVID–19
20 emergency period and the 6-month period imme-
21 diately following, the Secretary of Education shall
22 for each borrower of a loan made, insured, or guar-
23 anteed under part B, D, or E, pay the total amount
24 due for such month on the loan, based on the pay-

1 ment plan selected by the borrower or the borrower’s
2 loan status.

3 “(2) NO CAPITALIZATION OF INTEREST.—With
4 respect to any loan in repayment during the
5 COVID–19 national emergency period and the 6-
6 month period immediately following, interest due on
7 loans made, insured, or guaranteed under part B, D,
8 or E during such period shall not be capitalized at
9 any time during the COVID–19 national emergency
10 period and the 6-month period immediately fol-
11 lowing.

12 “(3) APPLICABILITY OF PAYMENTS.—Any pay-
13 ment made by the Secretary of Education under this
14 section shall be considered by the Secretary of Edu-
15 cation, or by a lender with respect to a loan made,
16 insured, or guaranteed under part B—

17 “(A) as a qualifying payment under the
18 public service loan forgiveness program under
19 section 455(m), if the borrower would otherwise
20 qualify under such section;

21 “(B) in the case of a borrower enrolled in
22 an income-driven repayment plan, as a quali-
23 fying payment for the purpose of calculating eli-
24 gibility for loan forgiveness for the borrower in

1 accordance with section 493C(b)(7) or section
2 455(d)(1)(D), as the case may be; and

3 “(C) in the case of a borrower in default,
4 as an on-time monthly payment for purposes of
5 loan rehabilitation pursuant to section 428F(a).

6 “(4) REPORTING TO CONSUMER REPORTING
7 AGENCIES.—During the period in which the Sec-
8 retary of Education is making payments on a loan
9 under paragraph (1), the Secretary shall ensure
10 that, for the purpose of reporting information about
11 the loan to a consumer reporting agency, any pay-
12 ment made by the Secretary is treated as if it were
13 a regularly scheduled payment made by a borrower.

14 “(5) NOTICE OF PAYMENTS AND PROGRAM.—
15 Not later than 15 days following the date of enact-
16 ment of this section, and monthly thereafter during
17 the COVID–19 national emergency period and the
18 6-month period immediately following, the Secretary
19 of Education shall provide a notice to all borrowers
20 of loans made, insured, or guaranteed under part B,
21 D, or E—

22 “(A) informing borrowers of the actions
23 taken under this section;

1 “(B) providing borrowers with an easily
2 accessible method to opt out of the benefits pro-
3 vided under this section; and

4 “(C) notifying the borrower that the pro-
5 gram under this section is a temporary program
6 and will end 6 months after the COVID–19 na-
7 tional emergency period ends.

8 “(6) SUSPENSION OF INVOLUNTARY COLLEC-
9 TION.—During the COVID–19 national emergency
10 period and the 6-month period immediately fol-
11 lowing, the Secretary of Education, or other holder
12 of a loan made, insured, or guaranteed under part
13 B, D, or E, shall immediately take action to halt all
14 involuntary collection related to the loan.

15 “(7) MANDATORY FORBEARANCE.—During the
16 period in which the Secretary of Education is mak-
17 ing payments on a loan under paragraph (1), the
18 Secretary, or a lender or guaranty agency for a loan
19 made under part B, shall grant the borrower for-
20 bearance as follows:

21 “(A) A temporary cessation of all pay-
22 ments on the loan other than the payments of
23 interest and principal on the loan that are made
24 under paragraph (1).

1 “(B) For borrowers who are delinquent
2 but who are not yet in default before the date
3 on which the Secretary begins making payments
4 under paragraph (1), the retroactive application
5 of forbearance to address any delinquency.”.

6 (2) FFEL AMENDMENT.—Section 428(c)(8) of
7 the Higher Education Act of 1965 (20 U.S.C.
8 1078(c)(8)) is amended by striking “and for which”
9 and all that follows through “this subsection”.

10 (b) PAYMENTS FOR PRIVATE EDUCATION LOAN
11 BORROWERS AS A RESULT OF THE COVID–19 NATIONAL
12 EMERGENCY.—Section 140 of the Truth in Lending Act
13 (15 U.S.C. 1650) is amended by adding at the end the
14 following new subsection:

15 “(h) COVID–19 NATIONAL EMERGENCY PRIVATE
16 EDUCATION LOAN REPAYMENT ASSISTANCE.—

17 “(1) AUTHORITY.—Effective on the date of the
18 enactment of this section, for the duration of the
19 COVID–19 emergency period and the 6-month pe-
20 riod immediately following, the Secretary of the
21 Treasury shall, for each borrower of a private edu-
22 cation loan, pay the total amount due for such
23 month on the loan, based on the payment plan se-
24 lected by the borrower or the borrower’s loan status.

1 “(2) NO CAPITALIZATION OF INTEREST.—With
2 respect to any loan in repayment during the
3 COVID–19 national emergency period and the 6-
4 month period immediately following, interest due on
5 a private education loan during such period shall not
6 be capitalized at any time during the COVID–19 na-
7 tional emergency period and the 6-month period im-
8 mediately following.

9 “(3) REPORTING TO CONSUMER REPORTING
10 AGENCIES.—During the period in which the Sec-
11 retary of the Treasury is making payments on a
12 loan under paragraph (1), the Secretary shall ensure
13 that, for the purpose of reporting information about
14 the loan to a consumer reporting agency, any pay-
15 ment made by the Secretary is treated as if it were
16 a regularly scheduled payment made by a borrower.

17 “(4) NOTICE OF PAYMENTS AND PROGRAM.—
18 Not later than 15 days following the date of enact-
19 ment of this subsection, and monthly thereafter dur-
20 ing the COVID–19 national emergency period and
21 the 6-month period immediately following, the Sec-
22 retary of the Treasury shall provide a notice to all
23 borrowers of private education loans—

24 “(A) informing borrowers of the actions
25 taken under this subsection;

1 “(B) providing borrowers with an easily
2 accessible method to opt out of the benefits pro-
3 vided under this subsection; and

4 “(C) notifying the borrower that the pro-
5 gram under this subsection is a temporary pro-
6 gram and will end 6 months after the COVID-
7 19 national emergency period ends.

8 “(5) SUSPENSION OF INVOLUNTARY COLLEC-
9 TION.—During the COVID-19 national emergency
10 period and the 6-month period immediately fol-
11 lowing, the holder of a private education loan shall
12 immediately take action to halt all involuntary col-
13 lection related to the loan.

14 “(6) MANDATORY FORBEARANCE.—During the
15 period in which the Secretary of the Treasury is
16 making payments on a loan under paragraph (1),
17 the servicer of such loan shall grant the borrower
18 forbearance as follows:

19 “(A) A temporary cessation of all pay-
20 ments on the loan other than the payments of
21 interest and principal on the loan that are made
22 under paragraph (1).

23 “(B) For borrowers who are delinquent
24 but who are not yet in default before the date
25 on which the Secretary begins making payments

1 under paragraph (1), the retroactive application
2 of forbearance to address any delinquency.

3 “(7) DATA TO IMPLEMENT.—Holders and
4 servicers of private education loans shall report, to
5 the satisfaction of the Secretary of the Treasury, the
6 information necessary to calculate the amount to be
7 paid under this section.

8 “(8) COVID–19 EMERGENCY PERIOD DE-
9 FINED.—In this subsection, the term ‘COVID–19
10 emergency period’ means the period that begins
11 upon the date of the enactment of this Act and ends
12 upon the date of the termination by the Federal
13 Emergency Management Administration of the
14 emergency declared on March 13, 2020, by the
15 President under the Robert T. Stafford Disaster Re-
16 lief and Emergency Assistance Act (42 U.S.C. 4121
17 et seq.) relating to the Coronavirus Disease 2019
18 (COVID–19) pandemic.”.

19 (c) MINIMUM RELIEF FOR FEDERAL AND PRIVATE
20 STUDENT LOAN BORROWERS AS A RESULT OF THE
21 COVID–19 NATIONAL EMERGENCY.—

22 (1) MINIMUM STUDENT LOAN RELIEF AS A RE-
23 SULT OF THE COVID–19 NATIONAL EMERGENCY.—
24 Not later than 270 days after the last day of the
25 COVID–19 emergency period, the Secretaries con-

1 cerned shall jointly carry out a program under which
2 a qualified borrower, with respect to the covered
3 loans and private education of loans of such quali-
4 fied borrower, shall receive in accordance with para-
5 graph (3) an amount equal to the lesser of the fol-
6 lowing:

7 (A) The total amount of each covered loan
8 and each private education loan of the bor-
9 rower; or

10 (B) \$10,000.

11 (2) NOTIFICATION OF BORROWERS.—Not later
12 than 270 days after the last day of the COVID–19
13 emergency period, the Secretaries concerned shall
14 notify each qualified borrower of—

15 (A) the requirements to provide loan relief
16 to such borrower under this section; and

17 (B) the opportunity for such borrower to
18 make an election under paragraph (3)(A) with
19 respect to the application of such loan relief to
20 the covered loans and private education loans of
21 such borrower.

22 (3) DISTRIBUTION OF FUNDING.—

23 (A) ELECTION BY BORROWER.—Not later
24 than 45 days after a notice is sent under para-
25 graph (2), a qualified borrower may elect to

1 apply the amount determined with respect to
2 such borrower under paragraph (1) to—

3 (i) any covered loan of the borrower;

4 (ii) any private education loan of the
5 borrower; and

6 (iii) any combination of the loans de-
7 scribed in clauses (i) and (ii).

8 (B) AUTOMATIC PAYMENT.—

9 (i) IN GENERAL.—In the case of a
10 qualified borrower who does not make an
11 election under subparagraph (A) before the
12 date described in such paragraph, the Sec-
13 retaries concerned shall apply the amount
14 determined with respect to such borrower
15 under paragraph (1) in order of the cov-
16 ered loan or private education loan of the
17 qualified borrower with the highest interest
18 rate.

19 (ii) EQUAL INTEREST RATES.—In
20 case of two or more covered loans or pri-
21 vate education loans described in clause (i)
22 with equal interest rates, the Secretaries
23 concerned shall apply the amount deter-
24 mined with respect to such borrower under

1 paragraph (1) first to the loan with the
2 highest principal.

3 (4) DATA TO IMPLEMENT.—

4 (A) SECRETARY OF EDUCATION.—Contractors of the Secretary of Education and lenders
5 and guaranty agencies holding loans made, insured, or guaranteed under part B shall report,
6 to the satisfaction of the Secretary of Education, the information necessary to calculate
7 the amount to be applied under paragraph (1).
8
9

10
11 (B) SECRETARY OF TREASURY.—Holders and servicers of private education loans shall
12 report, to the satisfaction of the Secretary of the Treasury, the information necessary to calculate
13 the amount to be applied under paragraph (1).
14
15
16

17 (5) MEMORANDUM OF UNDERSTANDING.—The
18 Secretaries concerned shall enter into a memorandum of understanding to carry out this subsection.
19
20

21 (6) DEFINITIONS.—In this subsection:

22 (A) COVERED LOAN.—The term “covered
23 loan” means—

24 (i) a loan made, insured, or guaranteed under part B of title IV of the Higher
25

1 Education Act of 1965 (20 U.S.C. 1071 et
2 seq.);

3 (ii) a loan made under part D of title
4 IV of the Higher Education Act of 1965
5 (20 U.S.C. 1087a et seq.); and

6 (iii) a Federal Perkins Loan made
7 pursuant to part E of title IV of the High-
8 er Education Act of 1965 (20 U.S.C.
9 1087aa et seq.).

10 (B) COVID–19 EMERGENCY PERIOD.—

11 The term “COVID–19 emergency period”
12 means the period that begins upon the date of
13 the enactment of this Act and ends upon the
14 date of the termination by the Federal Emer-
15 gency Management Administration of the emer-
16 gency declared on March 13, 2020, by the
17 President under the Robert T. Stafford Dis-
18 aster Relief and Emergency Assistance Act (42
19 U.S.C. 4121 et seq.) relating to the
20 Coronavirus Disease 2019 (COVID–19) pan-
21 demic.

22 (C) PRIVATE EDUCATION LOAN.—The
23 term “private education loan” has the meaning
24 given the term in section 140 of the Truth in
25 Lending Act (15 U.S.C. 1650).

1 (D) QUALIFIED BORROWER.—The term
2 “qualified borrower” means a borrower of a
3 covered loan or a private education loan.

4 (E) SECRETARIES CONCERNED.—The term
5 “Secretaries concerned” means—

6 (i) the Secretary of Education, with
7 respect to covered loans and borrowers of
8 such covered loans; and

9 (ii) the Secretary of the Treasury,
10 with respect to private education loans and
11 borrowers of such private education loans.

12 (d) INCOME SHARE AGREEMENTS.—

13 (1) IN GENERAL.—An individual who entered
14 into an income share agreement to pay for education
15 expenses of the individual shall not be required to
16 make payments under such income share agreement
17 for the duration of the COVID–19 emergency period
18 and the 6-month period immediately following.

19 (2) COVID–19 EMERGENCY PERIOD.—In this
20 subsection, the term “COVID–19 emergency period”
21 means the period that begins upon the date of the
22 enactment of this Act and ends upon the date of the
23 termination by the Federal Emergency Management
24 Administration of the emergency declared on March
25 13, 2020, by the President under the Robert T.

1 Stafford Disaster Relief and Emergency Assistance
2 Act (42 U.S.C. 4121 et seq.) relating to the
3 Coronavirus Disease 2019 (COVID–19) pandemic.

4 (e) EXCLUSION FROM GROSS INCOME.—

5 (1) IN GENERAL.—Part III of subchapter B of
6 chapter 1 of the Internal Revenue Code of 1986 is
7 amended by inserting after section 139H the fol-
8 lowing new section:

9 **“SEC. 139I. STUDENT LOAN PAYMENTS RESULTING FROM**
10 **THE COVID–19 NATIONAL EMERGENCY.**

11 “Gross income shall not include any payment made
12 on behalf of the taxpayer under section 493E(b)(1) of the
13 Higher Education Act of 1965, section 140(h) of the
14 Truth in Lending Act, or section 114(c) of the Financial
15 Protections and Assistance for America’s Consumers,
16 States, Businesses, and Vulnerable Populations.”.

17 (2) CLERICAL AMENDMENT.—The table of sec-
18 tions for part III of subchapter B of chapter 1 of
19 the Internal Revenue Code of 1986 is amended by
20 inserting after the item relating to section 139H the
21 following new item:

 “Sec. 139I. Student loan payments resulting from the COVID–19 national
 emergency.”.

22 (3) EFFECTIVE DATE.—The amendments made
23 by this subsection shall apply to taxable years begin-
24 ning after December 31, 2019.

1 **SEC. 114. WAIVER OF IN-PERSON APPRAISAL REQUIRE-**
2 **MENTS.**

3 (a) FINDING.—The Congress finds that as the coun-
4 try continues to grapple with the impact of the spread of
5 COVID–19, several adjustments are needed to ensure that
6 mortgage processing can continue to function without sig-
7 nificant delays ,despite requirements that would otherwise
8 require in-person interactions.

9 (b) WAIVER.—

10 (1) IN GENERAL.—Until the end of the
11 COVID–19 emergency, any appraisal that is con-
12 ducted for a loan with respect to which applicable
13 law would otherwise require the performance of an
14 interior inspection may be performed without an in-
15 terior inspection, if—

16 (A) an exterior inspection is performed in
17 conjunction with other methods to maximize
18 credibility, including verifiable contemporaneous
19 video or photographic documentation by the
20 borrower and borrower observations; and

21 (B) the applicable lender, guarantor, regu-
22 lating agency, or insurer may order additional
23 services to include an interior inspection at a
24 later date.

25 (2) STIPULATION.— An appraiser conducting
26 an appraisal without an interior inspection pursuant

1 to this section shall stipulate an extraordinary as-
2 sumption that the property's interior quality, condi-
3 tion, and physical characteristics are as described
4 and consistent with the exterior view, and shall em-
5 ploy all available methods to maximize accuracy
6 while maintaining safety.

7 (c) RULEMAKING.—Not later than the end of the 1-
8 week period beginning on the date of enactment of this
9 Act, the Federal Housing Commissioner of the Federal
10 Housing Agency and the Director of the Federal Housing
11 Finance Agency shall issue such rules or guidance as may
12 be necessary to ensure that such agencies, the Federal
13 Home Loan Mortgage Corporation, the Federal National
14 Mortgage Association, and the Federal home loan banks
15 make any adjustments to mortgage processing require-
16 ments that may be necessary to provide flexibility to avoid
17 in-person interactions while preserving the goals of the
18 programs and consumer protection.

19 (d) COVID–19 EMERGENCY DEFINED.—In this sec-
20 tion, the term “COVID–19 emergency” means the period
21 that begins upon the date of the enactment of this Act
22 and ends on the date of the termination by the Federal
23 Emergency Management Agency of the emergency de-
24 clared on March 13, 2020, by the President under the
25 Robert T. Stafford Disaster Relief and Emergency Assist-

1 ance Act (42 U.S.C. 4121 et seq.) relating to the
2 Coronavirus Disease 2019 (COVID–19) pandemic.

3 **SEC. 115. SUPPLEMENTAL FUNDING FOR COMMUNITY DE-**
4 **VELOPMENT BLOCK GRANTS.**

5 (a) FUNDING AND ALLOCATIONS.—

6 (1) AUTHORIZATION OF APPROPRIATIONS.—

7 There is authorized to be appropriated
8 \$12,000,000,000 for assistance in accordance with
9 this section under the community development block
10 grant program under title I of the Housing and
11 Community Development Act of 1974 (42 U.S.C.
12 5301 et seq.).

13 (2) INITIAL ALLOCATION.—\$6,000,000,000 of
14 the amount made available pursuant to paragraph
15 (1) shall be distributed pursuant to section 106 of
16 such Act (42 U.S.C. 5306) to grantees and such al-
17 locations shall be made within 30 days after the date
18 of the enactment of this Act.

19 (3) SUBSEQUENT ALLOCATION.—

20 (A) IN GENERAL.—The \$6,000,000,000
21 made available pursuant to paragraph (1) that
22 remains after allocation pursuant to paragraph
23 (2) shall be allocated, not later than 45 days
24 after the date of the enactment of this Act, di-
25 rectly to States to prevent, prepare for, and re-

1 spond to coronavirus within the State, including
2 activities within entitlement and nonentitlement
3 communities, based on public health needs, risk
4 of transmission of coronavirus, number of
5 coronavirus cases compared to the national av-
6 erage, and economic and housing market dis-
7 ruptions, and other factors, as determined by
8 the Secretary, using best available data.

9 (B) TECHNICAL ASSISTANCE.—Of the
10 amount referred to in subparagraph (A),
11 \$10,000,000 shall be made available for capac-
12 ity building and technical assistance to support
13 the use of such amounts to expedite or facilitate
14 infectious disease response.

15 (4) DIRECT DISTRIBUTION.—Of the amount
16 made available pursuant to paragraph (1),
17 \$3,000,000,000 shall be distributed directly to
18 States and units of general local government, at the
19 discretion of the Secretary of Housing and Urban
20 Development (in this section referred to as the “Sec-
21 retary”), according to a formula based on factors to
22 be determined by the Secretary, prioritizing risk of
23 transmission of coronavirus, number of coronavirus
24 cases compared to the national average, and eco-

1 nomic and housing market disruptions resulting
2 from coronavirus.

3 (5) ROLLING ALLOCATIONS.—Allocations under
4 this subsection may be made on a rolling basis as
5 additional needs develop and data becomes available.

6 (6) BEST AVAILABLE DATA.—The Secretary
7 shall make all allocations under this subsection
8 based on the best available data at the time of allo-
9 cation.

10 (b) ELIGIBLE ACTIVITIES.—Amounts made available
11 pursuant to subsection (a) may be used only for—

12 (1) eligible activities described in 105(a) of the
13 Housing and Community Development Act of 1974
14 (42 U.S.C. 5305(a)) relating to preventing, pre-
15 paring for, or responding to the public health emer-
16 gency relating to Coronavirus Disease 2019
17 (COVID–19); and

18 (2) reimbursement of costs for such eligible ac-
19 tivities relating to preventing, preparing for, or re-
20 sponding to Coronavirus Disease 2019 (COVID–19)
21 that were accrued before the date of the enactment
22 of this Act.

23 (c) INAPPLICABILITY OF PUBLIC SERVICES CAP.—
24 The limitation under paragraph (8) of section 105(a) of
25 the Housing and Community Development Act of 1974

1 (42 U.S.C. 5305(a)(8)) on the amount that may be used
2 for activities under such paragraph shall not apply with
3 respect to—

4 (1) amounts made available pursuant to sub-
5 section (a); and

6 (2) amounts made available in preceding appro-
7 priation Acts for fiscal years 2019 and 2020 for car-
8 rying out title I of the Housing and Community De-
9 velopment Act of 1974, to the extent such amounts
10 are used for activities described in subsection (b) of
11 this section.

12 (d) WAIVERS.—

13 (1) IN GENERAL.—The Secretary may waive, or
14 specify alternative requirements for, any provision of
15 any statute or regulation that the Secretary admin-
16 isters in connection with the use of amounts made
17 available pursuant to subsection (a)(1) and for fiscal
18 years 2019 and 2020 (except for requirements re-
19 lated to fair housing, nondiscrimination, labor stand-
20 ards, and the environment), if the Secretary finds
21 that good cause exists for the waiver or alternative
22 requirement and such waiver or alternative require-
23 ment would not be inconsistent with the overall pur-
24 pose of title I of the Housing and Community Devel-

1 opment Act of 1974, including for the purposes of
2 addressing the impact of coronavirus.

3 (2) NOTICE.—The Secretary shall notify the
4 public through the Federal Register or other appro-
5 priate means 5 days before the effective date of any
6 such waiver or alternative requirement in order for
7 such waiver or alternative requirement to take effect.
8 Such public notice may be provided on the Internet
9 at the appropriate Government web site or through
10 other electronic media, as determined by the Sec-
11 retary.

12 (e) STATEMENTS OF ACTIVITIES; COMPREHENSIVE
13 HOUSING AFFORDABILITY STRATEGIES.—

14 (1) INAPPLICABILITY OF REQUIREMENTS.—Sec-
15 tion 116(b) of such Act (42 U.S.C. 5316(b); relating
16 to submission of final statements of activities not
17 later than August 16 of a given fiscal year) and any
18 implementing regulations shall not apply to final
19 statements submitted in accordance with paragraphs
20 (2) and (3) of section 104 of such Act (42 U.S.C.
21 5304(a)) and comprehensive housing affordability
22 strategies submitted in accordance with section 105
23 of the Cranston-Gonzalez National Affordable Hous-
24 ing Act (42 U.S.C. 12705) for fiscal years 2019 and
25 2020.

1 (2) NEW REQUIREMENTS.—Final statements
2 and comprehensive housing affordability strategies
3 shall instead be submitted not later than August 16,
4 2021.

5 (3) AMENDMENTS.—Notwithstanding sub-
6 sections (a)(2), (a)(3), and (c) of section 104 of the
7 Housing and Community Development Act of 1974
8 (42 U.S.C. 5304) and section 105 of the Cranston-
9 Gonzalez National Affordable Housing Act (42
10 U.S.C. 12705), a grantee may not be required to
11 amend its statement of activities in order to engage
12 in activities to prevent, prepare, and respond to
13 coronavirus or the economic and housing disruption
14 caused by it, but shall make public a report within
15 180 days of the end of the crisis which fully ac-
16 counts for such activities.

17 (f) PUBLIC HEARINGS.—

18 (1) INAPPLICABILITY OF IN-PERSON HEARING
19 REQUIREMENTS.—A grantee may not be required to
20 hold in-person public hearings in connection with its
21 citizen participation plan, but shall provide citizens
22 with notice and a reasonable opportunity to com-
23 ment of not less than 15 days.

24 (2) VIRTUAL PUBLIC HEARINGS.—During the
25 period that national or local health authorities rec-

1 commend social distancing and limiting public gath-
2 erings for public health reasons, a grantee may ful-
3 fill applicable public hearing requirements for all
4 grants from funds made available pursuant to sub-
5 section (a)(1) and under the heading “Department
6 of Housing and Urban Development—Community
7 Planning and Development—Community Develop-
8 ment Fund” in appropriation Acts for fiscal years
9 2019 and 2020 by carrying out virtual public hear-
10 ings. Any such virtual hearings shall provide reason-
11 able notification and access for citizens in accord-
12 ance with the grantee’s certifications, timely re-
13 sponses from local officials to all citizen questions
14 and issues, and public access to all questions and re-
15 sponses.

16 (g) DUPLICATION OF BENEFITS.—The Secretary
17 shall ensure there are adequate procedures in place to pre-
18 vent any duplication of benefits as defined by section 312
19 of the Robert T. Stafford Disaster Relief and Emergency
20 Assistance Act (42 U.S.C. 5155) and act in accordance
21 with section 1210 of the Disaster Recovery Reform Act
22 of 2018 (division D of Public Law 115–254; 132 Stat.
23 3442) and section 312 of the Robert T. Stafford Disaster
24 Relief and Emergency Assistance Act (42 U.S.C. 5155).

1 **SEC. 116. COVID-19 EMERGENCY HOUSING RELIEF.**

2 (a) DEFINITION OF COVID-19 EMERGENCY PE-
3 RIOD.—For purposes of this section, the term “COVID-
4 19 emergency period” means the period that begins upon
5 the date of the enactment of this Act and ends upon the
6 date of the termination by the Federal Emergency Man-
7 agement Agency of the emergency declared on March 13,
8 2020, by the President under the Robert T. Stafford Dis-
9 aster Relief and Emergency Assistance Act (42 U.S.C.
10 4121 et seq.) relating to the Coronavirus Disease 2019
11 (COVID-19) pandemic.

12 (b) SUSPENSION OF COMMUNITY SERVICE, WORK,
13 PRESENCE IN UNIT, AND MINIMUM RENT REQUIRE-
14 MENTS AND TIME LIMITS ON ASSISTANCE.—

15 (1) SUSPENSION.—Notwithstanding any other
16 provision of law, during the COVID-19 emergency
17 period, the following provisions of law and require-
18 ments shall not apply:

19 (A) Section 12(c) of the United States
20 Housing Act of 1937 (42 U.S.C. 1437j(c); re-
21 lating to community service).

22 (B) Any work requirement or time limita-
23 tion on assistance established by a public hous-
24 ing agency participating in the Moving to Work
25 demonstration program authorized under sec-
26 tion 204 of the Departments of Veterans Af-

1 fairs and Housing and Urban Development and
2 Independent Agencies Appropriations Act, 1996
3 (Public Law 104–134; 110 Stat. 1321).

4 (C) Paragraph (3) of section 3(a) of the
5 United States Housing Act of 1937 (42 U.S.C.
6 1437a(a)(3); relating to minimum rental
7 amount).

8 (D) Section 982.312 of the regulations of
9 the Secretary of Housing and Urban Develop-
10 ment (24 C.F.R. 982.312); relating to absence
11 from unit).

12 (2) PROHIBITION.—No penalty may be imposed
13 nor any adverse action taken for failure on the part
14 of any tenant of public housing or a dwelling unit
15 assisted under section 8 of the United States Hous-
16 ing Act of 1937 (42 U.S.C. 1437f) to comply with
17 the laws and requirements specified in paragraph (1)
18 during the period specified in paragraph (1).

19 (c) HOUSING CHOICE VOUCHERS.—

20 (1) SECTION 8 VOUCHERS.—Notwithstanding
21 any other provision of law, the Secretary of Housing
22 and Urban Development shall provide that—

23 (A) during the COVID–19 emergency pe-
24 riod, a public housing agency may not termi-
25 nate the availability to an eligible household of

1 a housing choice voucher under section 8(o) of
2 the United States Housing Act of 1937 (42
3 U.S.C. 1437f(o)) for failure to enter into a
4 lease for an assisted dwelling unit;

5 (B) in the case of any eligible household on
6 whose behalf such a housing choice voucher has
7 been made available, if as of the termination of
8 the COVID–19 emergency period such avail-
9 ability has not terminated (including by reason
10 of subparagraph (A)) and such voucher has not
11 been used to enter into a lease for an assisted
12 dwelling unit, the public housing agency making
13 such voucher available may not terminate such
14 availability until the expiration of the 60-day
15 period beginning upon the termination of the
16 COVID–19 emergency period; and

17 (C) during the COVID–19 emergency pe-
18 riod, clause (i) of section 8(o)(8)(A) of the
19 United States Housing Act of 1937 (42 U.S.C.
20 1437f(o)(8)A)(i); relating to initial inspection of
21 dwelling units) shall not apply, except that in
22 any case in which an inspection of a dwelling
23 unit for which a housing assistance payment is
24 established is not conducted before an assist-
25 ance payment is made for such dwelling unit—

1 (i) such clause shall be applied by
2 substituting “the expiration of the 90-day
3 period beginning on the termination of the
4 COVID–19 emergency period (as such
5 term is defined in section 117(a) of the Fi-
6 nancial Protections and Assistance for
7 America’s Consumers, States, Businesses,
8 and Vulnerable Populations Act)” for “any
9 assistance payment is made”; and

10 (ii) the public housing agency shall in-
11 form the tenant household and the owner
12 of such dwelling unit of the inspection re-
13 quirement applicable to such dwelling unit
14 pursuant to clause (i).

15 (2) RURAL HOUSING VOUCHERS.—Notwith-
16 standing any other provision of law, the Secretary of
17 Agriculture shall provide that the same restrictions
18 and requirements applicable under paragraph (1) to
19 voucher assistance under section 8(o) of the United
20 States Housing Act of 1937 shall apply with respect
21 to voucher assistance under section 542 of the Hous-
22 ing Act of 1949 (42 U.S.C. 1490r). In applying such
23 restrictions and requirements, the Secretary may
24 take into consideration and provide for any dif-
25 ferences between such programs while ensuring that

1 the program under such section 542 is carried out
2 in accordance with the purposes of such restrictions
3 and requirements.

4 (d) SUSPENSION OF INCOME REVIEWS.—During the
5 COVID–19 emergency period, the Secretary of Housing
6 and Urban Development and the Secretary of Agriculture
7 shall waive any requirements under law or regulation re-
8 quiring review of the income of an individual or household
9 for purposes of assistance under a housing assistance pro-
10 gram administered by such Secretary, except—

11 (1) in the case of review of income upon the ini-
12 tial provision of housing assistance; or

13 (2) if such review is requested by an individual
14 or household due to a loss of income.

15 (e) AUTHORITY TO SUSPEND OR DELAY DEAD-
16 LINES.—During the COVID–19 emergency period, the
17 Secretary of Housing and Urban Development and the
18 Secretary of Agriculture may suspend or delay any dead-
19 line relating to public housing agencies or owners of hous-
20 ing assisted under a program administered by such Sec-
21 retary, except any deadline relating to responding to exi-
22 gent conditions related to health and safety or emergency
23 physical conditions.

24 (f) SUSPENSION OF ASSISTED HOUSING SCORING
25 ACTIVITIES.—The Secretary of Housing and Urban De-

1 velopment shall suspend scoring under the Section 8 Man-
2 agement Assessment Program and the Public Housing As-
3 sessment System during the period beginning upon the
4 date of the enactment of this Act and ending upon expira-
5 tion of the 90-day period that begins upon the termination
6 of the COVID–19 emergency period.

7 (g) REQUIREMENTS REGARDING RESIDUAL RE-
8 CEIPTS AND RESERVE FUNDS.—

9 (1) SUSPENSION OF REQUIREMENT TO SUBMIT
10 RESIDUAL RECEIPTS TO HUD.—During the COVID–
11 19 emergency period, any requirements for owners
12 of federally assisted multifamily housing to remit re-
13 sidual receipts to the Secretary of Housing and
14 Urban Development shall not apply.

15 (2) ELIGIBLE USES OF RESERVE FUNDS.—Dur-
16 ing the COVID–19 emergency period, any costs of
17 an owner of federally assisted multifamily housing
18 for items, activities, and services related to respond-
19 ing to coronavirus or COVID–19 shall be considered
20 eligible uses for the reserve fund for replacements
21 for such housing.

22 **SEC. 117. SUPPLEMENTAL FUNDING FOR SERVICE COORDI-**
23 **NATORS TO ASSIST ELDERLY HOUSEHOLDS.**

24 (a) IN GENERAL.—There is authorized to be appro-
25 priated \$300,000,000 for grants under section 676 of the

1 Housing and Community Development Act of 1992 (42
2 U.S.C. 13632) for costs of providing service coordinators
3 for purposes of coordinating services to prevent, prepare
4 for, or respond to the public health emergency relating to
5 Coronavirus Disease 2019 (COVID–19).

6 (b) HIRING.—In the hiring of staff using amounts
7 made available pursuant to this section, grantees shall
8 consider and hire, at all levels of employment and to the
9 greatest extent possible, a diverse staff, including by race,
10 ethnicity, gender, and disability status. Each grantee shall
11 submit a report to the Secretary of Housing and Urban
12 Development describing compliance with the preceding
13 sentence not later than the expiration of the 120-day pe-
14 riod that begins upon the termination of the emergency
15 declared on March 13, 2020, by the President under the
16 Robert T. Stafford Disaster Relief and Emergency Assist-
17 ance Act (42 U.S.C. 4121 et seq.) relating to the
18 Coronavirus Disease 2019 (COVID–19) pandemic.

19 (c) ONE-TIME GRANTS.—Grants made using
20 amounts made available pursuant to subsection (a) shall
21 not be renewable.

22 (d) ONE-YEAR AVAILABILITY.—Any amounts made
23 available pursuant to this section that are allocated for
24 a grantee and remaining unexpended upon the expiration

1 of the 12-month period beginning upon such allocation
2 shall be recaptured by the Secretary.

3 **SEC. 118. FAIR HOUSING.**

4 (a) DEFINITION OF COVID–19 EMERGENCY PE-
5 RIOD.— For purposes of this section, the term “COVID–
6 19 emergency period” means the period that begins upon
7 the date of the enactment of this Act and ends upon the
8 date of the termination by the Federal Emergency Man-
9 agement Agency of the emergency declared on March 13,
10 2020, by the President under the Robert T. Stafford Dis-
11 aster Relief and Emergency Assistance Act (42 U.S.C.
12 4121 et seq.) relating to the Coronavirus Disease 2019
13 (COVID–19) pandemic.

14 (b) FAIR HOUSING ACTIVITIES.—

15 (1) FHIP; FHAP.—

16 (A) AUTHORIZATION OF APPROPRIA-
17 TIONS.—To ensure that fair housing organiza-
18 tions and State and local civil rights agencies
19 have sufficient resources to deal with expected
20 increases in fair housing complaints, to inves-
21 tigate housing discrimination, including finan-
22 cial scams that target protected classes associ-
23 ated with or resulting from the COVID–19 pan-
24 demic, and during such pandemic, there is au-

1 thorized to be appropriated for contracts,
2 grants, and other assistance—

3 (i) \$55,000,000 for the Fair Housing
4 Initiatives Program under section 561 of
5 the Housing and Community Development
6 Act of 1987 (42 U.S.C. 3616a); and

7 (ii) \$35,000,000 for the Fair Housing
8 Assistance Program under the Fair Hous-
9 ing Act (42 U.S.C. 3601 et seq.).

10 Amounts made available pursuant to this sub-
11 paragraph may be used by such organizations
12 and agencies to establish the capacity to and to
13 carry out activities and services by telephone
14 and online means, including for individuals with
15 limited English proficiency and individuals with
16 a disability in accordance with requirements
17 under the Americans With Disabilities Act of
18 1990.

19 (B) PRIVATE ENFORCEMENT INITIA-
20 TIVE.—In entering into contracts for private
21 enforcement initiatives under 561(b) of the
22 Housing and Community Development Act of
23 1987 (42 U.S.C. 3616a(b)) using amounts
24 made available pursuant to subparagraph (A)(i)
25 of this subsection, the Secretary of Housing

1 and Urban Development shall give priority to
2 applications from qualified fair housing enforce-
3 ment organizations that have at least 2 years of
4 fair housing testing experience.

5 (C) 3-YEAR AVAILABILITY.—Any amounts
6 made available pursuant subparagraph (A) that
7 are allocated for a grantee and remain unex-
8 pended upon the expiration of the 3-year period
9 beginning upon such allocation shall be recap-
10 tured by the Secretary.

11 (2) OFFICE OF FAIR HOUSING AND EQUAL OP-
12 PORTUNITY.—There is authorized to be appropriated
13 \$200,000,000 for the Office of Fair Housing and
14 Equal Opportunity of the Department of Housing
15 and Urban Development for costs of fully staffing
16 such Office to ensure robust enforcement of the Fair
17 Housing Act during the COVID–19 pandemic, in-
18 cluding ensuring that—

19 (A) assistance provided under this Act is
20 provided and administered in a manner that af-
21 firmatively furthers fair housing in accordance
22 with the Fair Housing Act;

23 (B) such Office has sufficient capacity for
24 intake of housing discrimination complaints by
25 telephone and online mechanisms, including for

1 individuals with limited English proficiency and
2 individuals with a disability in accordance with
3 requirements under the Americans With Dis-
4 abilities Act of 1990 and section 504 of the Re-
5 habilitation Act of 1973 (29 U.S.C. 794); and
6 (C) such Office has the capacity to respond
7 to all housing discrimination complaints made
8 during the COVID–19 pandemic within time
9 limitations required under law.

10 In the hiring of staff using amounts made available
11 pursuant to this subsection, the Secretary of Hous-
12 ing and Urban Development shall consider and hire,
13 at all levels of employment and to the greatest ex-
14 tent possible, a diverse staff, including by race, eth-
15 nicity, gender, and disability status. The Secretary
16 shall submit a report to the Congress describing
17 compliance with the preceding sentence on a quar-
18 terly basis, for each of the first 4 calendar quarters
19 ending after the date of the enactment of this Act.

20 (c) FAIR HOUSING GUIDANCE AND EDUCATION.—

21 (1) PROHIBITION OF SHOWINGS.—Not later
22 than the expiration of the 30-day period beginning
23 on the date of the enactment of this Act, the Sec-
24 retary of Housing and Urban Development shall
25 issue guidance for owners of dwelling units assisted

1 under housing assistance programs of the Depart-
2 ment prohibiting, during the COVID–19 emergency
3 period, of any showings of occupied assisted dwelling
4 units to prospective tenants.

5 (2) EDUCATION.—There is authorized to be ap-
6 propriated \$10,000,000 for the Office of Fair Hous-
7 ing and Equal Opportunity of the Department of
8 Housing and Urban Development to carry out a na-
9 tional media campaign to educate the public of in-
10 creased housing rights during COVID–19 emergency
11 period, that provides that information and materials
12 used in such campaign are available—

13 (A) in the languages used by communities
14 with limited English proficiency

15 (B) to persons with disabilities.

16 **SEC. 119. HUD COUNSELING PROGRAM AUTHORIZATION.**

17 (a) FINDINGS.—The Congress finds the following:

18 (1) The spread of COVID–19, which is now
19 considered a global pandemic, is expected to nega-
20 tively impact the incomes of potentially millions of
21 homeowners, making it difficult for them to pay
22 their mortgages on time.

23 (2) Housing counseling is critical to ensuring
24 that homeowners have the resources they need to

1 navigate the loss mitigation options available to
2 them while they are experiencing financial hardship.

3 (b) AUTHORIZATION.—There is authorized to be ap-
4 propriated the Secretary of Housing and Urban Develop-
5 ment \$700,000,000 to carry out counseling services de-
6 scribed under section 106 of the Housing and Urban De-
7 velopment Act of 1968 (12 U.S.C. 1701x).

8 **SEC. 120. DEFENSE PRODUCTION ACT OF 1950.**

9 (a) INCREASE IN AUTHORIZATIONS.—

10 (1) AUTHORIZATIONS.—In addition to amounts
11 otherwise authorized to be appropriated, there is au-
12 thorized to be appropriated in the aggregate
13 \$3,000,000,000 for fiscal year 2020 and 2021 to
14 carry out titles I and III of the Defense Production
15 Act of 1950 to produce medical ventilators, personal
16 protection equipment, and other critically needed
17 medical supplies and to carry out any other actions
18 necessary to respond to the COVID–19 emergency.

19 (2) CARRYOVER FUNDS.—Section 304(e) of the
20 Defense Production Act of 1950 shall not apply at
21 the close of fiscal year 2020.

22 (3) COVID–19 EMERGENCY.—In this section,
23 the term “COVID–19 emergency” means the emer-
24 gency declared on March 13, 2020, by the President
25 under the Robert T. Stafford Disaster Relief and

1 Emergency Assistance Act (42 U.S.C. 4121 et seq.)
2 relating to the Coronavirus Disease 2019 (COVID–
3 19) pandemic.

4 (b) STRENGTHENING CONGRESSIONAL OVERSIGHT;
5 PUBLIC PORTAL.—

6 (1) IN GENERAL.—Not later than three months
7 after the date of enactment of this Act, and every
8 three months thereafter, the Secretary of Commerce,
9 in coordination with the Secretary of Health and
10 Human Services, the Secretary of Defense, and any
11 other Federal department or agency that has utilized
12 authority under title I or title III of the Defense
13 Production Act of 1950 to respond to the COVID–
14 19 emergency, shall submit a report to the Com-
15 mittee on Financial Services of the House of Rep-
16 resentatives and the Committee on Banking, Hous-
17 ing, and Urban Affairs of the Senate—

18 (A) on the use of such authority and the
19 expenditure of any funds in connection with
20 such authority;

21 (B) that includes details of each purchase
22 order made using such authorities, including
23 the product and amount of product ordered and
24 the entity that fulfilled the contract.

1 (2) PUBLIC AVAILABILITY.—The Secretary of
2 Commerce shall place all reports submitted under
3 paragraph (1) on an appropriate website available to
4 the public, in an easily searchable format.

5 (3) SUNSET.—The requirements under this sec-
6 tion shall terminate after the expenditure of all
7 funds appropriated pursuant to the authorizations
8 under subsection (a).

9 **TITLE II—ASSISTING SMALL**
10 **BUSINESSES AND COMMU-**
11 **NITY FINANCIAL INSTITU-**
12 **TIONS**

13 **SEC. 201. SMALL BUSINESS CREDIT FACILITY.**

14 (a) ESTABLISHMENT.—The Board of Governors of
15 the Federal Reserve System shall establish a credit facility
16 to provide loans to small businesses during the COVID-
17 19 emergency.

18 (b) DEFINITIONS.—In this section:

19 (1) COVID-19 EMERGENCY.—The term
20 “COVID-19 emergency” means the period that be-
21 gins upon the date of the enactment of this Act and
22 ends on the date of the termination by the Federal
23 Emergency Management Agency of the emergency
24 declared on March 13, 2020, by the President under
25 the Robert T. Stafford Disaster Relief and Emer-

1 agency Assistance Act (42 U.S.C. 4121 et seq.) relat-
2 ing to the Coronavirus Disease 2019 (COVID-19)
3 pandemic.

4 (2) SMALL BUSINESS.—The term “small busi-
5 ness” means—

6 (A) a small business concern (as defined
7 under section 3 of the Small Business Act (15
8 U.S.C. 632);

9 (B) a family farm;

10 (C) an independent contractor; and

11 (D) any other class of businesses to which
12 the Board of Governors determines loans would
13 promote full employment and price stability.

14 **SEC. 202. SMALL BUSINESS FINANCIAL ASSISTANCE PRO-**
15 **GRAM.**

16 (a) IN GENERAL.—The Secretary of the Treasury
17 shall establish a Small Business Financial Assistance Pro-
18 gram under which the Secretary shall provide loans and
19 loan guarantees to small businesses.

20 (b) APPLICATION.—In making loans and loan guar-
21 antees under this section, the Secretary shall—

22 (1) provide a simple application process for bor-
23 rowers; and

24 (2) establish clear and easy to understand un-
25 derwriting standards for such loans.

1 (c) ZERO-INTEREST LOANS.—Loans made by or
2 guaranteed by the Secretary under this section shall be
3 zero-interest loans, if the small business receiving such
4 loan does not involuntarily terminate any employee of the
5 small business during the COVID–19 emergency.

6 (d) ADVANCE.—

7 (1) IN GENERAL.—Upon request from an appli-
8 cant for a loan under this section, the Secretary may
9 provide to such applicant an advance, in cash, to
10 such applicant.

11 (2) AMOUNT.—An advance provided under
12 paragraph (1) shall be in an amount equal to the
13 revenue of the applicant for the period beginning
14 January 1, 2020 and ending January 31, 2020.

15 (3) PROCEDURES.—

16 (A) REVIEW.—The Secretary shall have 1
17 week from the receipt of a request for an ad-
18 vance under paragraph (1) to conduct a risk as-
19 sessment of the applicant to determine whether
20 to approve or deny such request.

21 (B) APPROVAL.—If the Secretary does not
22 deny a request under subparagraph (A), the ad-
23 vance shall be directly deposited into the ac-
24 count identified by the applicant.

1 (C) REMAINING FUNDS.—Not later than 4
2 weeks after approving a request of an applicant
3 under subparagraph (A), the Secretary shall
4 disburse the remaining funds to such applicant.

5 (e) FORGIVENESS.—If small business that receives a
6 loan or loan guarantee under this section demonstrates to
7 the Secretary that the number of full-time employees of
8 such small business on the date such small business sub-
9 mitted an application under this section is greater than
10 or equal to the number of full-time employees of such
11 small business on the date that is 1 year after the date
12 of such submission, the Secretary shall forgive the remain-
13 ing outstanding principal and interest on such loan or loan
14 guarantee.

15 (f) FUNDING.—The Secretary shall use
16 \$50,000,000,000 from the Exchange Stabilization Fund,
17 without further appropriation, to carry out this section.

18 (g) DEFINITIONS.—In this section:

19 (1) COVID–19 EMERGENCY.—The term
20 “COVID–19 emergency” means the period that—

21 (A) begins on the declaration of the emer-
22 gency declared on March 13, 2020, by the
23 President under the Robert T. Stafford Dis-
24 aster Relief and Emergency Assistance Act (42
25 U.S.C. 4121 et seq.) relating to the

1 Coronavirus Disease 2019 (COVID–19) pan-
2 demic; and

3 (B) ends on the termination by the Federal
4 Emergency Management Agency of such emer-
5 gency.

6 (2) SMALL BUSINESS.—The term “small busi-
7 ness” means—

8 (A) a small business concern (as defined
9 under section 3 of the Small Business Act (15
10 U.S.C. 632);

11 (B) a family farm; and

12 (C) an independent contractor.

13 **SEC. 203. SUSPENSION OF SMALL BUSINESS AND NON-**
14 **PROFIT LOAN PAYMENTS.**

15 (a) IN GENERAL.—

16 (1) IN GENERAL.—During the COVID–19
17 emergency, a debt collector may not, with respect to
18 a debt of a small business or non-profit (other than
19 debt related to a federally related mortgage loan)—

20 (A) capitalize unpaid interest;

21 (B) apply a higher interest rate triggered
22 by the nonpayment of a debt to the debt bal-
23 ance;

24 (C) charge a fee triggered by the non-
25 payment of a debt;

1 (D) sue or threaten to sue for nonpayment
2 of a debt;

3 (E) continue litigation to collect a debt
4 that was initiated before the date of enactment
5 of this section;

6 (F) submit or cause to be submitted a con-
7 fession of judgment to any court;

8 (G) enforce a security interest through re-
9 possession, limitation of use, or foreclosure;

10 (H) take or threaten to take any action to
11 enforce collection, or any adverse action for
12 nonpayment of a debt, or for nonappearance at
13 any hearing relating to a debt;

14 (I) commence or continue any action to
15 cause or to seek to cause the collection of a
16 debt, including pursuant to a court order issued
17 before the end of the 120-day period following
18 the end of the COVID–19 emergency, from
19 wages, Federal benefits, or other amounts due
20 to a small business or non-profit by way of gar-
21 nishment, deduction, offset, or other seizure;

22 (J) cause or seek to cause the collection of
23 a debt, including pursuant to a court order
24 issued before the end of the 120-day period fol-
25 lowing the end of the COVID–19 emergency, by

1 levying on funds from a bank account or seizing
2 any other assets of a small business or non-
3 profit;

4 (K) commence or continue an action to
5 evict a small business or non-profit from real or
6 personal property; or

7 (L) disconnect or terminate service from
8 utility service, including electricity, natural gas,
9 telecommunications or broadband, water, or
10 sewer.

11 (2) RULE OF CONSTRUCTION.—Nothing in this
12 subsection may be construed to prohibit a small
13 business or non-profit from voluntarily paying, in
14 whole or in part, a debt.

15 (3) REPAYMENT PERIOD.—After the expiration
16 of the COVID–19 emergency, with respect to a debt
17 described under paragraph (1), a debt collector—

18 (A) may not add to the debt balance any
19 interest or fee prohibited by paragraph (1);

20 (B) shall, for credit with a defined term or
21 payment period, extend the time period to repay
22 the debt balance by 1 payment period for each
23 payment that a small business or non-profit
24 missed during the COVID–19 emergency, with
25 the payments due in the same amounts and at

1 the same intervals as the pre-existing payment
2 schedule;

3 (C) shall, for an open end credit plan (as
4 defined under section 103 of the Truth in
5 Lending Act) or other credit without a defined
6 term, allow the small business or non-profit to
7 repay the debt balance in a manner that does
8 not exceed the amounts permitted by formulas
9 under section 170(c) of the Truth in Lending
10 Act and regulations promulgated thereunder;
11 and

12 (D) shall, when the small business or non-
13 profit notifies the debt collector, offer reason-
14 able and affordable repayment plans, loan
15 modifications, refinancing, options with a rea-
16 sonable time in which to repay the debt.

17 (4) COMMUNICATIONS IN CONNECTION WITH
18 THE COLLECTION OF A DEBT.—

19 (A) IN GENERAL.—During the COVID–19
20 emergency, without prior consent of a small
21 business or non-profit given directly to a debt
22 collector during the COVID–19 emergency, or
23 the express permission of a court of competent
24 jurisdiction, a debt collector may only commu-
25 nicate in writing in connection with the collec-

1 tion of any debt (other than debt related to a
2 federally related mortgage loan).

3 (B) REQUIRED DISCLOSURES.—

4 (i) IN GENERAL.—All written commu-
5 nications described under subparagraph
6 (A) shall inform the small business or non-
7 profit that the communication is for infor-
8 mational purposes and is not an attempt to
9 collect a debt.

10 (ii) REQUIREMENTS.—The disclosure
11 required under clause (i) shall be made—

12 (I) in type or lettering not small-
13 er than 14–point bold type;

14 (II) separate from any other dis-
15 closure;

16 (III) in a manner designed to en-
17 sure that the recipient sees the disclo-
18 sure clearly;

19 (IV) in English and Spanish and
20 in any additional languages in which
21 the debt collector communicates, in-
22 cluding the language in which the
23 loan was negotiated, to the extent
24 known by the debt collector; and

1 (V) may be provided by first-
2 class mail or electronically, if the bor-
3 rower has otherwise consented to elec-
4 tronic communication with the debt
5 collector and has not revoked such
6 consent.

7 (iii) ORAL NOTIFICATION.—Any oral
8 notification shall be provided in the lan-
9 guage the debt collector otherwise uses to
10 communicate with the borrower.

11 (iv) WRITTEN TRANSLATIONS.—In
12 providing written notifications in languages
13 other than English in this Section, a debt
14 collector may rely on written translations
15 developed by the Bureau of Consumer Fi-
16 nancial Protection.

17 (5) VIOLATIONS.—

18 (A) IN GENERAL.—Any person who vio-
19 lates this section shall—

20 (i) except as provided under clause
21 (ii), be subject to civil liability in accord-
22 ance with section 813 of the Fair Debt
23 Collection Practices Act, as if the person is
24 a debt collector for purposes of that sec-
25 tion; and

1 (ii) be liable to the small business or
2 non-profit for an amount 10 times the
3 amounts described in such section 813, for
4 each violation.

5 (B) PREDISPUTE ARBITRATION AGREE-
6 MENTS.—Notwithstanding any other provision
7 of law, no predispute arbitration agreement or
8 predispute joint-action waiver shall be valid or
9 enforceable with respect to a dispute brought
10 under this section, including a dispute as to the
11 applicability of this section, which shall be de-
12 termined under Federal law.

13 (6) TOLLING.—Except as provided in para-
14 graph (7)(D), any applicable time limitations, in-
15 cluding statutes of limitations, related to a debt
16 under Federal or State law shall be tolled during the
17 COVID–19 emergency.

18 (7) CLAIMS OF AFFECTED CREDITORS AND
19 DEBT COLLECTORS.—

20 (A) VALUATION OF PROPERTY.—With re-
21 spect to any action asserting a taking under the
22 Fifth Amendment of the Constitution of the
23 United States as a result of this section or
24 seeking a declaratory judgment regarding the
25 constitutionality of this section, the value of the

1 property alleged to have been taken without
2 just compensation shall be evaluated—

3 (i) with consideration of the likelihood
4 of full and timely payment of the obliga-
5 tion without the actions taken pursuant to
6 this section; and

7 (ii) without consideration of any as-
8 sistance provided directly or indirectly to
9 the small business or non-profit from other
10 Federal, State, and local government pro-
11 grams instituted or legislation enacted in
12 response to the COVID-19 emergency.

13 (B) SCOPE OF JUST COMPENSATION.—In
14 an action described in subparagraph (A), any
15 assistance or benefit provided directly or indi-
16 rectly to the person from other Federal, State,
17 and local government programs instituted in or
18 legislation enacted response to the COVID-19
19 emergency, shall be deemed to be compensation
20 for the property taken, even if such assistance
21 or benefit is not specifically provided as com-
22 pensation for property taken by this section.

23 (C) APPEALS.—Any appeal from an action
24 under this section shall be treated under section
25 158 of title 28, United States Code, as if it

1 were an appeal in a case under title 11, United
2 States Code.

3 (D) REPOSE.—Any action asserting a tak-
4 ing under the Fifth Amendment to the Con-
5 stitution of the United States as a result of this
6 section shall be brought within not later than
7 180 days after the end of the COVID–19 emer-
8 gency.

9 (8) DEFINITIONS.—In this section:

10 (A) COVID–19 EMERGENCY.—The term
11 “COVID–19 emergency” means the period that
12 begins upon the date of the enactment of this
13 Act and ends on the date of the termination by
14 the Federal Emergency Management Agency of
15 the emergency declared on March 13, 2020, by
16 the President under the Robert T. Stafford Dis-
17 aster Relief and Emergency Assistance Act (42
18 U.S.C. 4121 et seq.) relating to the
19 Coronavirus Disease 2019 (COVID–19) pan-
20 demic.

21 (B) CREDITOR.—The term “creditor”
22 means—

23 (i) any person who offers or extends
24 credit creating a debt or to whom a debt
25 is owed or other obligation for payment;

1 (ii) any lessor of real or personal
2 property; or

3 (iii) any provider of utility services.

4 (C) DEBT.—The term “debt”—

5 (i) means any obligation or alleged ob-
6 ligation—

7 (I) for which the original agree-
8 ment, or if there is no agreement, the
9 original obligation to pay was created
10 before the COVID–19 emergency,
11 whether or not such obligation has
12 been reduced to judgment; and

13 (II) that arises out of a trans-
14 action with a small business or non-
15 profit; and

16 (ii) does not include a federally re-
17 lated mortgage loan.

18 (D) DEBT COLLECTOR.—The term “debt
19 collector” means a creditor, and any person or
20 entity that engages in the collection of debt, in-
21 cluding the Federal Government and a State
22 government, irrespective of whether the debt is
23 allegedly owed to or assigned to that person or
24 to the entity.

1 (E) FEDERALLY RELATED MORTGAGE
2 LOAN.—The term “federally related mortgage
3 loan” has the meaning given that term under
4 section 3 of the Real Estate Settlement Proce-
5 dures Act of 1974 (12 U.S.C. 2602).

6 (F) NON-PROFIT.—The term “non-profit”
7 means an organization described in section
8 501(c)(3) of the Internal Revenue Code of 1986
9 and exempt from taxation under section 501(a)
10 of such Code.

11 (G) SMALL BUSINESS.—The term “small
12 business” has the meaning given the term
13 “small business concern” under section 3 of the
14 Small Business Act.

15 (b) CREDIT FACILITY FOR OTHER PURPOSES.—The
16 Board of Governors of the Federal Reserve System shall
17 establish a facility that the Board of Governors shall use
18 to make payments to holders of loans to compensate such
19 holders for documented financial losses—

20 (1) with respect to a loan made to an indi-
21 vidual, small business, or non-profit; and

22 (2) where such losses were caused by a suspen-
23 sion of payments required under Federal law in con-
24 nection with the COVID–19 emergency.

1 **SEC. 204. REAUTHORIZATION OF THE STATE SMALL BUSI-**
2 **NESS CREDIT INITIATIVE ACT OF 2010.**

3 The State Small Business Credit Initiative Act of
4 2010 (15 U.S.C. 5701 et seq.) is amended—

5 (1) by striking “2009 allocation” each place
6 such term appears and inserting “2019 allocation”;

7 (2) by striking “2010 allocation” each place
8 such term appears and inserting “2020 allocation”;

9 (3) by striking “date of enactment of this Act”
10 each place it appears and inserting “date of the en-
11 actment of the Small Business Support and Access
12 to Capital Act of 2020”;

13 (4) by striking “date of the enactment of this
14 Act” each place it appears and inserting “date of
15 the enactment of the Small Business Support and
16 Access to Capital Act of 2020”;

17 (5) in section 3003(b)(2)—

18 (A) in the section heading, by striking
19 “**2009 ALLOCATION FORMULA**” and inserting
20 striking “**2019 ALLOCATION FORMULA**”;

21 (B) by striking “2008 State employment
22 decline” each place such term appears and in-
23 serting “2018 State employment decline”;

24 (C) in subparagraph (A), by striking
25 “2009 allocation” and inserting “2019 alloca-
26 tion”; and

1 (D) in subparagraph (C)—

2 (i) in the subparagraph heading, by
3 striking “2008 STATE EMPLOYMENT DE-
4 CLINE DEFINED” and inserting “2018
5 STATE EMPLOYMENT DECLINE DEFINED”;

6 (ii) in clause (i), by striking “Decem-
7 ber 2007” and inserting “December
8 2017”; and

9 (iii) in clause (ii), by striking “Decem-
10 ber 2008” and inserting “December
11 2018”;

12 (6) in section 3003(b)(3)—

13 (A) in the section heading, by striking
14 “**2010 ALLOCATION FORMULA**” and inserting
15 striking “**2020 ALLOCATION FORMULA**”;

16 (B) by striking “2009 unemployment num-
17 ber” each place such term appears and insert-
18 ing “2019 unemployment number”; and

19 (C) in subparagraph (C)—

20 (i) in the subparagraph heading, by
21 striking “2009 UNEMPLOYMENT NUMBER
22 DEFINED” and inserting “2019 UNEMPLOY-
23 MENT NUMBER DEFINED”; and

24 (ii) by striking “December 2009” and
25 inserting “December 2019”;

1 (7) in section 3005(e), by striking “to the Sec-
2 retary a report” and inserting “to the Secretary and
3 Congress a report”;

4 (8) in section 3007—

5 (A) in subsection (a)(1), by striking “ to
6 the Secretary a report” and inserting “to the
7 Secretary and Congress a report”; and

8 (B) in subsection (b)—

9 (i) by striking “March 31, 2011” and
10 inserting “March 31, 2021”; and

11 (ii) by striking “to the Secretary” and
12 inserting “to the Secretary and Congress”;

13 and

14 (9) in section 3009—

15 (A) in subsection (b), by striking
16 “\$1,500,000,000” and inserting
17 “\$10,000,000,000”;

18 (B) in subsection (c), by adding at the end
19 the following new sentence: “At the end of such
20 period, any amounts that remain unexpended or
21 unobligated shall be transferred to the Commu-
22 nity Development Financial Institutions Fund
23 established under section 104(a) of the Riegle
24 Community Development and Regulatory Im-
25 provement Act of 1994.”.

1 **SEC. 205. FUNDING OF THE INITIATIVE TO BUILD GROWTH**
2 **EQUITY FUNDS FOR MINORITY BUSINESSES.**

3 (a) GRANT.—The Minority Business Development
4 Agency shall provide a grant of \$3,000,000,000 to fully
5 implement the Initiative to Build Growth Equity Funds
6 for Minority Businesses (the “Initiative”; award number
7 MB19OBD8020113), including to use such amounts as
8 capital for the Equity Funds.

9 (b) ADMINISTRATIVE EXPENSES.—Of the amounts
10 provided under subsection (a), the grant recipient may use
11 not more than 2.25 percent of such amount for adminis-
12 trative expenses, of which—

13 (1) not more than 1.5 percent per annum may
14 be used for fees to be paid to investment managers
15 for fund investment activities, including deal
16 sourcing, due diligence, investment monitoring, and
17 investment reporting; and

18 (2) not more than 0.75 percent per annum may
19 be used for fund administration activities by the
20 grant recipient, including fund manager evaluation,
21 selection, monitoring, and overall fund program
22 management.

23 (c) TREATMENT OF INTEREST.—Notwithstanding
24 any other provision of law, with the approval of the Minor-
25 ity Business Development Agency, grant funds made
26 available under subsection (a) may be deposited in inter-

1 est-bearing accounts pending disbursement, and any inter-
2 est which accrues may be retained without returning such
3 interest to the Treasury of the United States and interest
4 earned may be obligated and expended for the purposes
5 for which the grant was made available without further
6 appropriation.

7 (d) REPORTING AND AUDIT REQUIREMENTS.—

8 (1) REPORTING BY RECIPIENT.—The grant re-
9 cipient under this section shall issue a report to the
10 Minority Business Development Agency every 6
11 months detailing the use of grant funds received
12 under this section and any other information that
13 the Minority Business Development Agency may re-
14 quire.

15 (2) ANNUAL REPORT TO CONGRESS.—The Mi-
16 nority Business Development Agency shall issue an
17 annual report to the Congress containing the infor-
18 mation received under paragraph (1) and an anal-
19 ysis of the implementation of the Initiative.

20 (3) GAO AUDIT.—The Comptroller General of
21 the United States shall, every 2 years, carry out an
22 audit of the Initiative and issue a report to the Con-
23 gress and the Minority Business Development Agen-
24 cy containing the results of such audit.

1 (4) FUND MANAGERS.—Fund managers shall
2 annually report on their fund management activities,
3 including—

4 (A) fund performance;

5 (B) impacts of capital investments by in-
6 dustry and geography;

7 (C) racial, ethnic, and gender demo-
8 graphics of minority businesses receiving capital
9 from the Initiative; and

10 (D) any other ancillary and economic bene-
11 fits of capital investments from the Initiative.

12 (e) FUNDING.—There is authorized to be appro-
13 priated to the Minority Business Development Agency
14 \$3,000,000,000 to make the grant described under sub-
15 section (a).

16 **SEC. 206. COMMUNITY DEVELOPMENT FINANCIAL INSTITU-**
17 **TIONS FUND SUPPLEMENTAL APPROPRIA-**
18 **TION AUTHORIZATION.**

19 There is authorized to be appropriated
20 \$1,000,000,000 for fiscal year 2020, for providing finan-
21 cial assistance and technical assistance under subpara-
22 graphs (A) and (B) of section 108(a)(1) of the Community
23 Development Banking and Financial Institutions Act of
24 1994 (12 U.S.C. 4707(a)(1)), except that subsections (d)

1 and (e) of such section 108 shall not apply to the provision
2 of such assistance.

3 **SEC. 207. MINORITY DEPOSITORY INSTITUTION.**

4 (a) SENSE OF CONGRESS ON FUNDING THE LOAN-
5 LOSS RESERVE FUND FOR SMALL DOLLAR LOANS.—The
6 sense of Congress is the following:

7 (1) The Community Development Financial In-
8 stitutions Fund (the “CDFI Fund”) is an agency of
9 the Department of the Treasury, and was estab-
10 lished by the Riegle Community Development and
11 Regulatory Improvement Act of 1994. The mission
12 of the CDFI Fund is “to expand economic oppor-
13 tunity for underserved people and communities by
14 supporting the growth and capacity of a national
15 network of community development lenders, inves-
16 tors, and financial service providers”. A community
17 development financial institution (a “CDFI”) is a
18 specialized financial institution serving low-income
19 communities and a Community Development Entity
20 (a “CDE”) is a domestic corporation or partnership
21 that is an intermediary vehicle for the provision of
22 loans, investments, or financial counseling in low-in-
23 come communities. The CDFI Fund certifies CDFIs
24 and CDEs. Becoming a certified CDFI or CDE al-

1 lows organizations to participate in various CDFI
2 Fund programs as follows:

3 (A) The Bank Enterprise Award Program,
4 which provides FDIC-insured depository institu-
5 tions awards for a demonstrated increase in
6 lending and investments in distressed commu-
7 nities and CDFIs.

8 (B) The CDFI Program, which provides
9 Financial and Technical Assistance awards to
10 CDFIs to reinvest in the CDFI, and to build
11 the capacity of the CDFI, including financing
12 product development and loan loss reserves.

13 (C) The Native American CDFI Assistance
14 Program, which provides CDFIs and spon-
15 soring entities Financial and Technical Assist-
16 ance awards to increase lending and grow the
17 number of CDFIs owned by Native Americans
18 to help build capacity of such CDFIs.

19 (D) The New Market Tax Credit Program,
20 which provides tax credits for making equity in-
21 vestments in CDEs that stimulate capital in-
22 vestments in low-income communities.

23 (E) The Capital Magnet Fund, which pro-
24 vides awards to CDFIs and nonprofit affordable
25 housing organizations to finance affordable

1 housing solutions and related economic develop-
2 ment activities.

3 (F) The Bond Guarantee Program, a
4 source of long-term, patient capital for CDFIs
5 to expand lending and investment capacity for
6 community and economic development purposes.

7 (2) The Department of the Treasury is author-
8 ized to create multi-year grant programs designed to
9 encourage low-to-moderate income individuals to es-
10 tablish accounts at federally insured banks, and to
11 improve low-to-moderate income individuals' access
12 to such accounts on reasonable terms.

13 (3) Under this authority, grants to participants
14 in CDFI Fund programs may be used for loan-loss
15 reserves and to establish small-dollar loan programs
16 by subsidizing related losses. These grants also allow
17 for the providing recipients with the financial coun-
18 seling and education necessary to conduct trans-
19 actions and manage their accounts. These loans pro-
20 vide low-cost alternatives to payday loans and other
21 nontraditional forms of financing that often impose
22 excessive interest rates and fees on borrowers, and
23 lead millions of Americans to fall into debt traps.
24 Small-dollar loans can only be made pursuant to

1 terms, conditions, and practices that are reasonable
2 for the individual consumer obtaining the loan.

3 (4) Program participation is restricted to eligi-
4 ble institutions, which are limited to organizations
5 listed in section 501(c)(3) of the Internal Revenue
6 Code and exempt from tax under 501(a) of such
7 Code, federally insured depository institutions, com-
8 munity development financial institutions and State,
9 local, or Tribal government entities.

10 (5) Since its founding, the CDFI Fund has
11 awarded over \$3,300,000,000 to CDFIs and CDEs,
12 allocated \$54,000,000,000 in tax credits, and
13 \$1,510,000,000 in bond guarantees. According to
14 the CDFI Fund, some programs attract as much as
15 \$10 in private capital for every \$1 invested by the
16 CDFI Fund. The Administration and the Congress
17 should prioritize appropriation of funds for the loan
18 loss reserve fund and technical assistance programs
19 administered by the Community Development Finan-
20 cial Institution Fund, as included in the version of
21 the “Financial Services and General Government
22 Appropriations Act, 2020” (H.R. 3351) that passed
23 the House of Representatives on June, 26, 2019.

24 (b) DEFINITIONS.—In this section:

1 (1) COMMUNITY DEVELOPMENT FINANCIAL IN-
2 STITUTION.—The term “community development fi-
3 nancial institution” has the meaning given under
4 section 103 of the Riegle Community Development
5 and Regulatory Improvement Act of 1994 (12
6 U.S.C. 4702).

7 (2) MINORITY DEPOSITORY INSTITUTION.—The
8 term “minority depository institution” has the
9 meaning given under section 308 of the Financial
10 Institutions Reform, Recovery, and Enforcement Act
11 of 1989 (12 U.S.C. 1463 note), as amended by this
12 Act.

13 (c) INCLUSION OF WOMEN’S BANKS IN THE DEFINI-
14 TION OF MINORITY DEPOSITORY INSTITUTION.—Section
15 308(b)(1) of the Financial Institutions Reform, Recovery,
16 and Enforcement Act of 1989 (12 U.S.C. 1463 note) is
17 amended—

18 (1) by redesignating subparagraphs (A), (B),
19 and (C) as clauses (i), (ii), and (iii), respectively;

20 (2) by striking “means any” and inserting the
21 following: “means—

22 “(A) any”; and

23 (3) in clause (iii) (as so redesignated), by strik-
24 ing the period at the end and inserting “; or”; and

1 (4) by inserting at the end the following new
2 subparagraph:

3 “(B) any bank described in clause (i), (ii),
4 or (iii) of section 19(b)(1)(A) of the Federal
5 Reserve Act—

6 “(i) more than 50 percent of the out-
7 standing shares of which are held by 1 or
8 more women; and

9 “(ii) the majority of the directors on
10 the board of directors of which are
11 women.”.

12 (d) ESTABLISHMENT OF IMPACT BANK DESIGNA-
13 TION.—

14 (1) IN GENERAL.—Each appropriate Federal
15 banking agency shall establish a program under
16 which a depository institution with total consolidated
17 assets of less than \$10,000,000,000 may elect to be
18 designated as an impact bank if 50 percent or more
19 of the loans extended by such covered bank are ex-
20 tended to low-income borrowers.

21 (2) DESIGNATION.—Based on data obtained
22 through examinations, an appropriate Federal bank-
23 ing agency shall submit a notification to a depository
24 institution stating that the depository institution
25 qualifies for designation as an impact bank.

1 (3) APPLICATION.—A depository institution
2 that does not receive a notification described in
3 paragraph (2) may submit an application to the ap-
4 propriate Federal banking agency demonstrating
5 that the depository institution qualifies for designa-
6 tion as an impact bank.

7 (4) ADDITIONAL DATA OR OVERSIGHT.—A de-
8 pository institution is not required to submit addi-
9 tional data to an appropriate Federal banking agen-
10 cy or be subject to additional oversight from such an
11 agency if such data or oversight is related specifi-
12 cally and solely for consideration for a designation
13 as an impact bank.

14 (5) REMOVAL OF DESIGNATION.—If an appro-
15 priate Federal banking agency determines that a de-
16 pository institution designated as an impact bank no
17 longer meets the criteria for such designation, the
18 appropriate Federal banking agency shall rescind
19 the designation and notify the depository institution
20 of such rescission.

21 (6) RECONSIDERATION OF DESIGNATION; AP-
22 PEALS.—A depository institution may—

23 (A) submit to the appropriate Federal
24 banking agency a request to reconsider a deter-

1 mination that such depository institution no
2 longer meets the criteria for the designation; or

3 (B) file an appeal in accordance with pro-
4 cedures established by the appropriate Federal
5 banking agency.

6 (7) RULEMAKING.—Not later than 1 year after
7 the date of the enactment of this Act, the appro-
8 priate Federal banking agencies shall jointly issue
9 rules to carry out the requirements of this sub-
10 section, including by providing a definition of a low-
11 income borrower.

12 (8) FEDERAL DEPOSIT INSURANCE ACT DEFINI-
13 TIONS.—In this subsection, the terms “depository
14 institution” and “appropriate Federal banking agen-
15 cy” have the meanings given such terms, respec-
16 tively, in section 3 of the Federal Deposit Insurance
17 Act (12 U.S.C. 1813).

18 (e) MINORITY DEPOSITORY INSTITUTIONS ADVISORY
19 COMMITTEES.—

20 (1) ESTABLISHMENT.—Each covered regulator
21 shall establish an advisory committee to be called the
22 “Minority Depository Institutions Advisory Com-
23 mittee”.

24 (2) DUTIES.—Each Minority Depository Insti-
25 tutions Advisory Committee shall provide advice to

1 the respective covered regulator on meeting the goals
2 established by section 308 of the Financial Institu-
3 tions Reform, Recovery, and Enforcement Act of
4 1989 (12 U.S.C. 1463 note) to preserve the present
5 number of covered minority institutions, preserve the
6 minority character of minority-owned institutions in
7 cases involving mergers or acquisitions, provide tech-
8 nical assistance, and encourage the creation of new
9 covered minority institutions. The scope of the work
10 of each such Minority Depository Institutions Advi-
11 sory Committee shall include an assessment of the
12 current condition of covered minority institutions,
13 what regulatory changes or other steps the respec-
14 tive agencies may be able to take to fulfill the re-
15 quirements of such section 308, and other issues of
16 concern to minority depository institutions.

17 (3) MEMBERSHIP.—

18 (A) IN GENERAL.—Each Minority Deposi-
19 tory Institutions Advisory Committee shall con-
20 sist of no more than 10 members, who—

21 (i) shall serve for one two-year term;

22 (ii) shall serve as a representative of
23 a depository institution or an insured cred-
24 it union with respect to which the respec-
25 tive covered regulator is the covered regu-

1 lator of such depository institution or in-
2 sured credit union; and

3 (iii) shall not receive pay by reason of
4 their service on the advisory committee,
5 but may receive travel or transportation
6 expenses in accordance with section 5703
7 of title 5, United States Code.

8 (B) DIVERSITY.—To the extent prac-
9 ticable, each covered regulator shall ensure that
10 the members of Minority Depository Institu-
11 tions Advisory Committee of such agency reflect
12 the diversity of depository institutions.

13 (4) MEETINGS.—

14 (A) IN GENERAL.—Each Minority Deposi-
15 tory Institutions Advisory Committee shall meet
16 not less frequently than twice each year.

17 (B) INVITATIONS.—Each Minority Deposi-
18 tory Institutions Advisory Committee shall in-
19 vite the attendance at each meeting of the Mi-
20 nority Depository Institutions Advisory Com-
21 mittee of—

22 (i) one member of the majority party
23 and one member of the minority party of
24 the Committee on Financial Services of the
25 House of Representatives and the Com-

1 mittee on Banking, Housing, and Urban
2 Affairs of the Senate; and

3 (ii) one member of the majority party
4 and one member of the minority party of
5 any relevant subcommittees of such com-
6 mittees.

7 (5) NO TERMINATION OF ADVISORY COMMIT-
8 TEES.—The termination requirements under section
9 14 of the Federal Advisory Committee Act (5 U.S.C.
10 app.) shall not apply to a Minority Depository Insti-
11 tutions Advisory Committee established pursuant to
12 this subsection.

13 (6) DEFINITIONS.—In this subsection:

14 (A) COVERED REGULATOR.—The term
15 “covered regulator” means the Comptroller of
16 the Currency, the Board of Governors of the
17 Federal Reserve System, the Federal Deposit
18 Insurance Corporation, and the National Credit
19 Union Administration.

20 (B) COVERED MINORITY INSTITUTION.—
21 The term “covered minority institution” means
22 a minority depository institution (as defined in
23 section 308(b) of the Financial Institutions Re-
24 form, Recovery, and Enforcement Act of 1989
25 (12 U.S.C. 1463 note)) or a minority credit

1 union (as defined in section 1204(c) of the Fi-
2 nancial Institutions Reform, Recovery, and En-
3 forcement Act of 1989, as amended by this
4 Act).

5 (C) DEPOSITORY INSTITUTION.—The term
6 “depository institution” has the meaning given
7 under section 3 of the Federal Deposit Insur-
8 ance Act (12 U.S.C. 1813).

9 (D) INSURED CREDIT UNION.—The term
10 “insured credit union” has the meaning given
11 in section 101 of the Federal Credit Union Act
12 (12 U.S.C. 1752).

13 (7) TECHNICAL AMENDMENT.—Section 308(b)
14 of the Financial Institutions Reform, Recovery, and
15 Enforcement Act of 1989 (12 U.S.C. 1463 note) is
16 amended by adding at the end the following new
17 paragraph:

18 “(3) DEPOSITORY INSTITUTION.—The term ‘de-
19 pository institution’ means an ‘insured depository in-
20 stitution’ (as defined in section 3 of the Federal De-
21 posit Insurance Act (12 U.S.C. 1813)) and an in-
22 sured credit union (as defined in section 101 of the
23 Federal Credit Union Act (12 U.S.C. 1752)).”.

24 (f) FEDERAL DEPOSITS IN MINORITY DEPOSITORY
25 INSTITUTIONS.—

1 (1) IN GENERAL.—Section 308 of the Financial
2 Institutions Reform, Recovery, and Enforcement Act
3 of 1989 (12 U.S.C. 1463 note) is amended—

4 (A) by adding at the end the following new
5 subsection:

6 “(d) FEDERAL DEPOSITS.—The Secretary of the
7 Treasury shall ensure that deposits made by Federal agen-
8 cies in minority depository institutions and impact banks
9 are fully collateralized or fully insured, as determined by
10 the Secretary. Such deposits shall include reciprocal de-
11 posits as defined in section 337.6(e)(2)(v) of title 12, Code
12 of Federal Regulations (as in effect on March 6, 2019).”;
13 and

14 (B) in subsection (b), as amended by sec-
15 tion 6(g), by adding at the end the following
16 new paragraph:

17 “(4) IMPACT BANK.—The term ‘impact bank’
18 means a depository institution designated by an ap-
19 propriate Federal banking agency pursuant to sec-
20 tion 5 of the Ensuring Diversity in Community
21 Banking Act of 2020.”.

22 (2) TECHNICAL AMENDMENTS.—Section 308 of
23 the Financial Institutions Reform, Recovery, and
24 Enforcement Act of 1989 (12 U.S.C. 1463 note) is
25 amended—

1 (A) in the matter preceding paragraph (1),
2 by striking “section—” and inserting “sec-
3 tion:”; and

4 (B) in the paragraph heading for para-
5 graph (1), by striking “FINANCIAL” and insert-
6 ing “DEPOSITORY”.

7 (g) MINORITY BANK DEPOSIT PROGRAM.—

8 (1) IN GENERAL.—Section 1204 of the Finan-
9 cial Institutions Reform, Recovery, and Enforcement
10 Act of 1989 (12 U.S.C. 1811 note) is amended to
11 read as follows:

12 **“SEC. 1204. EXPANSION OF USE OF MINORITY BANKS AND**
13 **MINORITY CREDIT UNIONS.**

14 “(a) MINORITY BANK DEPOSIT PROGRAM.—

15 “(1) ESTABLISHMENT.—There is established a
16 program to be known as the ‘Minority Bank Deposit
17 Program’ to expand the use of minority banks and
18 minority credit unions.

19 “(2) ADMINISTRATION.—The Secretary of the
20 Treasury, acting through the Fiscal Service, shall—

21 “(A) on application by a depository institu-
22 tion or credit union, certify whether such depos-
23 itory institution or credit union is a minority
24 bank or minority credit union;

1 “(B) maintain and publish a list of all de-
2 pository institutions and credit unions that have
3 been certified pursuant to subparagraph (A);
4 and

5 “(C) periodically distribute the list de-
6 scribed in subparagraph (B) to—

7 “(i) all Federal departments and
8 agencies;

9 “(ii) interested State and local govern-
10 ments; and

11 “(iii) interested private sector compa-
12 nies.

13 “(3) INCLUSION OF CERTAIN ENTITIES ON
14 LIST.—A depository institution or credit union that,
15 on the date of the enactment of this section, has a
16 current certification from the Secretary of the
17 Treasury stating that such depository institution or
18 credit union is a minority bank or minority credit
19 union shall be included on the list described under
20 paragraph (2)(B).

21 “(b) EXPANDED USE AMONG FEDERAL DEPART-
22 MENTS AND AGENCIES.—

23 “(1) IN GENERAL.—Not later than 1 year after
24 the establishment of the program described in sub-
25 section (a), the head of each Federal department or

1 agency shall develop and implement standards and
2 procedures to ensure, to the maximum extent possible
3 as permitted by law, the use of minority banks
4 and minority credit unions to serve the financial
5 needs of each such department or agency.

6 “(2) REPORT TO CONGRESS.—Not later than 2
7 years after the establishment of the program described
8 in subsection (a), and annually thereafter, the head of each
9 Federal department or agency shall submit to Congress a report
10 on the actions taken to increase the use of minority banks
11 and minority credit unions to serve the financial needs of each
12 such department or agency.

13 “(c) DEFINITIONS.—For purposes of this section:

14 “(1) CREDIT UNION.—The term ‘credit union’
15 has the meaning given the term ‘insured credit union’ in
16 section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

17 “(2) DEPOSITORY INSTITUTION.—The term ‘depository
18 institution’ has the meaning given the term ‘insured depository
19 institution’ in section 3 of the Federal Deposit Insurance Act
20 (12 U.S.C. 1813).

21 “(3) MINORITY.—The term ‘minority’ means
22 any Black American, Native American, Hispanic American,
23 or Asian American.
24
25

1 “(4) MINORITY BANK.—The term ‘minority
2 bank’ means a minority depository institution as de-
3 fined in section 308 of this Act.

4 “(5) MINORITY CREDIT UNION.—The term ‘mi-
5 nority credit union’ means any credit union for
6 which more than 50 percent of the membership (in-
7 cluding board members) of such credit union are mi-
8 nority individuals, as determined by the National
9 Credit Union Administration pursuant to section
10 308 of this Act.”.

11 (2) CONFORMING AMENDMENTS.—The fol-
12 lowing provisions are amended by striking
13 “1204(c)(3)” and inserting “1204(c)”:

14 (A) Section 808(b)(3) of the Community
15 Reinvestment Act of 1977 (12 U.S.C.
16 2907(b)(3)).

17 (B) Section 40(g)(1)(B) of the Federal De-
18 posit Insurance Act (12 U.S.C.
19 1831q(g)(1)(B)).

20 (C) Section 704B(h)(4) of the Equal Cred-
21 it Opportunity Act (15 U.S.C. 1691e–2(h)(4)).

22 (h) DIVERSITY REPORT AND BEST PRACTICES.—

23 (1) ANNUAL REPORT.—Each covered regulator
24 shall submit to Congress an annual report on diver-
25 sity including the following:

1 (A) Data, based on voluntary self-identi-
2 fication, on the racial, ethnic, and gender com-
3 position of the examiners of each covered regu-
4 lator, disaggregated by length of time served as
5 an examiner.

6 (B) The status of any examiners of cov-
7 ered regulators, based on voluntary self-identi-
8 fication, as a veteran.

9 (C) Whether any covered regulator, as of
10 the date on which the report required under
11 this subsection is submitted, has adopted a pol-
12 icy, plan, or strategy to promote racial, ethnic,
13 and gender diversity among examiners of the
14 covered regulator.

15 (D) Whether any special training is devel-
16 oped and provided for examiners related specifi-
17 cally to working with banks that serve commu-
18 nities that are predominantly minorities, low in-
19 come, or rural, and the key focus of such train-
20 ing.

21 (2) BEST PRACTICES.—Each Office of Minority
22 and Women Inclusion of a covered regulator shall
23 develop, provide to the head of the covered regulator,
24 and make publicly available best practices—

1 (A) for increasing the diversity of can-
2 didates applying for examiner positions, includ-
3 ing through outreach efforts to recruit diverse
4 candidate to apply for entry-level examiner posi-
5 tions; and

6 (B) for retaining and providing fair consid-
7 eration for promotions within the examiner
8 staff for purposes of achieving diversity among
9 examiners.

10 (3) COVERED REGULATOR DEFINED.—In this
11 subsection, the term “covered regulator” means the
12 Comptroller of the Currency, the Board of Gov-
13 ernors of the Federal Reserve System, the Federal
14 Deposit Insurance Corporation, and the National
15 Credit Union Administration.

16 (i) INVESTMENTS IN MINORITY DEPOSITORY INSTI-
17 TUTIONS AND IMPACT BANKS.—

18 (1) CONTROL FOR CERTAIN INSTITUTIONS.—
19 Section 7(j)(8)(B) of the Federal Deposit Insurance
20 Act (12 U.S.C. 1817(j)(8)(B)) is amended to read
21 as follows:

22 “(B) ‘control’ means the power, directly or indi-
23 rectly—

24 “(i) to direct the management or policies
25 of an insured depository institution; or

1 “(ii)(I) with respect to an insured depository
2 institution, of a person to vote 25 per centum
3 or more of any class of voting securities of
4 such institution; or

5 “(II) with respect to an insured depository
6 institution that is an impact bank (as designated
7 pursuant to section 5 of the Ensuring
8 Diversity in Community Banking Act of 2020)
9 or a minority depository institution (as defined
10 in section 308(b) of the Financial Institutions
11 Reform, Recovery, and Enforcement Act of
12 1989), of an individual to vote 30 percent of
13 more of any class of voting securities of such an
14 impact bank or a minority depository institution.”.

16 (2) RULEMAKING.—The appropriate Federal
17 banking agency (as defined in section 3 of the Federal
18 Deposit Insurance Act (12 U.S.C. 1813)) shall
19 jointly issue rules for de novo minority depository
20 institutions and de novo impact banks (as designated
21 pursuant to section 5) to allow 3 years to meet the
22 capital requirements otherwise applicable to minority
23 depository institutions and impact banks.

24 (3) REPORT.—Not later than 1 year after the
25 date of the enactment of this Act, the appropriate

1 Federal banking agencies shall jointly submit to
2 Congress a report on—

3 (A) the principal causes for the low num-
4 ber of de novo minority depository institutions
5 during the 10-year period preceding the date of
6 the report;

7 (B) the main challenges to the creation of
8 de novo minority depository institutions and de
9 novo impact banks; and

10 (C) regulatory and legislative consider-
11 ations to promote the establishment of de novo
12 minority depository institutions and de novo im-
13 pact banks.

14 (j) REQUIREMENT TO MENTOR MINORITY DEPOSI-
15 TORY INSTITUTIONS OR COMMUNITY DEVELOPMENT FI-
16 NANCIAL INSTITUTIONS TO SERVE AS A DEPOSITARY OR
17 FINANCIAL AGENT.—

18 (1) IN GENERAL.—Before a large financial in-
19 stitution may be employed as a financial agent of
20 the Department of the Treasury or perform any rea-
21 sonable duties as depository of public moneys of the
22 Department of the Treasury, the large financial in-
23 stitution shall demonstrate participation as a mentor
24 in a covered mentor-protege program to a protege

1 firm that is a minority depository institution or a
2 community development financial institution.

3 (2) REPORT.—Not later than 6 months after
4 the date of the enactment of this Act and annually
5 thereafter, the Secretary of the Treasury shall sub-
6 mit to Congress a report on participants in a cov-
7 ered mentor-protege program, including an analysis
8 of outcomes of such program.

9 (3) PROCEDURES.—The Secretary of the Treas-
10 ury shall publish procedures for compliance with the
11 requirements of this subsection for large financial
12 institutions.

13 (4) DEFINITIONS.—In this subsection:

14 (A) COVERED MENTOR-PROTEGE PRO-
15 GRAM.—The term “covered mentor-protege pro-
16 gram” means a mentor-protege program estab-
17 lished by the Secretary of the Treasury pursu-
18 ant to section 45 of the Small Business Act (15
19 U.S.C. 657r).

20 (B) LARGE FINANCIAL INSTITUTION.—The
21 term “large financial institution” means any
22 entity—

23 (i) regulated by the Comptroller of the
24 Currency, the Board of Governors of the
25 Federal Reserve System, the Federal De-

1 posit Insurance Corporation, or the Na-
2 tional Credit Union Administration; and

3 (ii) that has total consolidated assets
4 greater than or equal to \$50,000,000,000.

5 (k) CUSTODIAL DEPOSIT PROGRAM FOR COVERED
6 MINORITY DEPOSITORY INSTITUTIONS AND IMPACT
7 BANKS.—

8 (1) ESTABLISHMENT.—The Secretary of the
9 Treasury shall establish a custodial deposit program
10 (in this subsection referred to as the “Program”)
11 under which a covered bank shall receive monthly
12 deposits from a qualifying account.

13 (2) APPLICATION.—A covered bank shall sub-
14 mit to the Secretary an application to participate in
15 the Program at such time, in such manner, and con-
16 taining such information as the Secretary may deter-
17 mine.

18 (3) PROGRAM OPERATIONS.—

19 (A) DESIGNATION OF CUSTODIAL ENTI-
20 TIES.—The Secretary shall designate eligible
21 custodial entities to make monthly deposits with
22 covered banks selected for participation in the
23 Program on behalf of a qualifying account.

24 (B) CUSTODIAL ACCOUNTS.—

1 (i) IN GENERAL.—The Secretary shall
2 establish a custodial deposit account for
3 each qualifying account with the eligible
4 custodial entity designated to make depos-
5 its with covered banks for each such quali-
6 fying account.

7 (ii) AMOUNT.—The Secretary shall
8 deposit a total amount not greater than 5
9 percent of a qualifying account into any
10 custodial deposit accounts established
11 under subparagraph (A).

12 (iii) DEPOSITS WITH PROGRAM PAR-
13 TICIPANTS.—

14 (I) MONTHLY DEPOSITS.—Each
15 month, each eligible custodial entity
16 designated by the Secretary shall de-
17 posit an amount not greater than the
18 insured amount, in the aggregate,
19 from each custodial deposit account,
20 in a single covered bank.

21 (II) LIMITATION.—With respect
22 to the funds of an individual quali-
23 fying account, the eligible custodial
24 entity may not deposit an amount

1 greater than the insured amount in a
2 single covered bank.

3 (III) INSURED AMOUNT DE-
4 FINED.—In this clause, the term “in-
5 sured amount” means the amount
6 that is the greater of—

7 (aa) the standard maximum
8 deposit insurance amount (as de-
9 fined in section 11(a)(1)(E) of
10 the Federal Deposit Insurance
11 Act (12 U.S.C. 1821(a)(1)(E)));
12 or

13 (bb) such higher amount ne-
14 gotiated between the Secretary
15 and the Corporation under which
16 the Corporation will insure all de-
17 posits of such higher amount.

18 (iv) LIMITATIONS.—The total amount
19 of funds deposited under the Program in a
20 covered bank may not exceed the lesser
21 of—

22 (I) 10 percent of the average
23 amount of deposits held by such cov-
24 ered bank in the previous quarter; or

25 (II) \$100,000,000.

1 (C) INTEREST.—

2 (i) IN GENERAL.—Each eligible custo-
3 dial entity designated by the Secretary
4 shall—

5 (I) collect interest from each cov-
6 ered bank in which such custodial en-
7 tity deposits funds pursuant to sub-
8 paragraph (B); and

9 (II) disburse such interest to the
10 Secretary each month.

11 (ii) INTEREST RATE.—The rate of any
12 interest collected under this subparagraph
13 may not exceed 50 percent of the discount
14 window primary credit interest rate most
15 recently published on the Federal Reserve
16 Statistical Release on selected interest
17 rates (daily or weekly), commonly referred
18 to as the H.15 release (commonly known
19 as the “Federal funds rate”).

20 (D) STATEMENTS.—Each eligible custodial
21 entity designated by the Secretary shall submit
22 to the Secretary monthly statements that in-
23 clude the total amount of funds deposited with,
24 and interest rate received from, each covered

1 bank by the eligible custodial entity on behalf of
2 qualifying entities.

3 (E) RECORDS.—The Secretary shall issue
4 a quarterly report to Congress and make pub-
5 licly available a record identifying all covered
6 banks participating in the Program and
7 amounts deposited under the Program in cov-
8 ered banks.

9 (4) REQUIREMENTS RELATING TO DEPOSITS.—
10 Deposits made with covered banks under this sub-
11 section may not—

12 (A) be considered by the Corporation to be
13 funds obtained, directly or indirectly, by or
14 through any deposit broker for deposit into 1 or
15 more deposit accounts (as described under sec-
16 tion 29 of the Federal Deposit Insurance Act
17 (12 U.S.C. 1831f)); or

18 (B) be subject to insurance fees from the
19 Corporation that are greater than insurance
20 fees for typical demand deposits not obtained,
21 directly or indirectly, by or through any deposit
22 broker (commonly known as “core deposits”).

23 (5) MODIFICATIONS.—

24 (A) IN GENERAL.—The Secretary shall
25 provide a 3-month period for public notice and

1 comment before making any material change to
2 the operation of the Program.

3 (B) EXCEPTION.—The requirements of
4 subparagraph (A) shall not apply if the Sec-
5 retary makes a material change to the Program
6 to comply with safety and soundness standards
7 or other law.

8 (6) TERMINATION.—

9 (A) BY COVERED BANK.—A covered bank
10 selected for participation in the Program pursu-
11 ant to paragraph (3) may terminate participa-
12 tion in the Program by providing the Secretary
13 a notification 60 days prior to termination.

14 (B) BY SECRETARY.—The Secretary may
15 terminate the participation of a covered bank in
16 the Program if the Secretary determines the
17 covered bank—

18 (i) violated any terms of participation
19 in the Program;

20 (ii) failed to comply with Federal
21 bank secrecy laws, as documented in writ-
22 ing by the primary regulator of the covered
23 bank;

24 (iii) failed to remain well capitalized;
25 or

1 (iv) failed comply with safety and
2 soundness standards, as documented in
3 writing by the primary regulator of the
4 covered bank.

5 (7) DEFINITIONS.—In this subsection:

6 (A) CORPORATION.—The term “Corpora-
7 tion” means the Federal Deposit Insurance
8 Corporation.

9 (B) COVERED BANK.—The term “covered
10 bank” means—

11 (i) a minority depository institution
12 that is regulated by the Corporation or the
13 National Credit Union Administration that
14 is well capitalized (as defined in section
15 38(b) of the Federal Deposit Insurance
16 Act (12 U.S.C. 1831o(b))); or

17 (ii) a depository institution designated
18 pursuant to section 5 of the Ensuring Di-
19 versity in Community Banking Act of 2020
20 that is well capitalized (as defined in sec-
21 tion 38(b) of the Federal Deposit Insur-
22 ance Act (12 U.S.C. 1831o(b))).

23 (C) ELIGIBLE CUSTODIAL ENTITY.—The
24 term “eligible custodial entity” means—

1 (i) an insured depository institution
2 (as defined in section 3 of the Federal De-
3 posit Insurance Act (12 U.S.C. 1813)),

4 (ii) an insured credit union (as de-
5 fined in section 101 of the Federal Credit
6 Union Act (12 U.S.C. 1752)), or

7 (iii) or a well capitalized State-char-
8 tered trust company,

9 designated by the Secretary under subsection
10 (k)(3)(A).

11 (D) FEDERAL BANK SECRECY LAWS.—The
12 term “Federal bank secrecy laws” means—

13 (i) section 21 of the Federal Deposit
14 Insurance Act (12 U.S.C. 1829b);

15 (ii) section 123 of Public Law 91–
16 508; and

17 (iii) subchapter II of chapter 53 of
18 title 31, United States Code.

19 (E) QUALIFYING ACCOUNT.—The term
20 “qualifying account” means any account estab-
21 lished in the Department of the Treasury
22 that—

23 (i) is controlled by the Secretary; and

1 (ii) is expected to maintain a balance
2 greater than \$200,000,000 for the fol-
3 lowing calendar month.

4 (F) SECRETARY.—The term “Secretary”
5 means the Secretary of the Treasury.

6 (G) WELL CAPITALIZED.—The term “well
7 capitalized” has the meaning given in section
8 38 of the Federal Deposit Insurance Act (12
9 U.S.C. 1831o).

10 (I) STREAMLINED COMMUNITY DEVELOPMENT FI-
11 NANCIAL INSTITUTION APPLICATIONS AND REPORTING.—

12 (1) APPLICATION PROCESSES.—Not later than
13 12 months after the date of the enactment of this
14 Act and with respect to any person having assets
15 under \$3,000,000,000 that submits an application
16 for deposit insurance with the Federal Deposit In-
17 surance Corporation that could also become a com-
18 munity development financial institution, the Fed-
19 eral Deposit Insurance Corporation, in consultation
20 with the Administrator of the Community Develop-
21 ment Financial Institutions Fund, shall—

22 (A) develop systems and procedures to
23 record necessary information to allow the Ad-
24 ministrator to conduct preliminary analysis for

1 such person to also become a community devel-
2 opment financial institution; and

3 (B) develop procedures to streamline the
4 application and annual certification processes
5 and to reduce costs for such person to become,
6 and maintain certification as, a community de-
7 velopment financial institution that serves low-
8 and moderate-income neighborhoods (as defined
9 under the Community Reinvestment Act of
10 1977 (12 U.S.C. 2901 et seq.)).

11 (2) REPORT ON IMPLEMENTATION.—Not later
12 than 18 months after the date of the enactment of
13 this Act, the Federal Deposit Insurance Corporation
14 shall submit to Congress a report describing the sys-
15 tems and procedures required under paragraph (1).

16 (3) ANNUAL REPORT.—

17 (A) IN GENERAL.—Section 17(a)(1) of the
18 Federal Deposit Insurance Act (12 U.S.C.
19 1827(a)(1)) is amended—

20 (i) in subparagraph (E), by striking
21 “and” at the end;

22 (ii) by redesignating subparagraph
23 (F) as subparagraph (G);

24 (iii) by inserting after subparagraph
25 (E) the following new subparagraph:

1 “(F) applicants for deposit insurance that
2 could also become a community development fi-
3 nancial institution (as defined in section 103 of
4 the Riegle Community Development and Regu-
5 latory Improvement Act of 1994), a minority
6 depository institution (as defined in section 308
7 of the Financial Institutions Reform, Recovery,
8 and Enforcement Act of 1989), or an impact
9 bank (as designated pursuant to section 5 of
10 the Ensuring Diversity in Community Banking
11 Act of 2020); and”.

12 (B) APPLICATION.—The amendment made
13 by this paragraph shall apply with respect to
14 the first report to be submitted after the date
15 that is 2 years after the date of the enactment
16 of this Act.

17 (m) TASK FORCE ON LENDING TO SMALL BUSINESS
18 CONCERNS.—

19 (1) IN GENERAL.—Not later than 6 months
20 after the date of the enactment of this Act, the Ad-
21 ministrator of the Small Business Administration
22 shall establish a task force to examine methods for
23 improving relationships between the Small Business
24 Administration and community development finan-
25 cial institutions, minority depository institutions,

1 and impact bank (as designated pursuant to section
2 5 of the Ensuring Diversity in Community Banking
3 Act of 2020) to increase the volume of loans pro-
4 vided by such institutions to small business concerns
5 (as defined under section 3 of the Small Business
6 Act (15 U.S.C. 632)).

7 (2) REPORT TO CONGRESS.—Not later than 18
8 months after the establishment of the task force de-
9 scribed in paragraph (1), the Administrator of the
10 Small Business Administration shall submit to Con-
11 gress a report on the findings of such task force.

12 (n) ASSISTANCE TO MINORITY DEPOSITORY INSTI-
13 TUTIONS AND IMPACT BANKS.—The Secretary of the
14 Treasury shall establish a program to provide assistance
15 to a minority depository institution or an impact bank (as
16 designated pursuant to section 5 of the Ensuring Diversity
17 in Community Banking Act of 2020) to support growth
18 and development of such minority depository institutions
19 and impact banks, including by providing assistance with
20 obtaining or converting a charter, bylaw amendments,
21 field-of-membership expansion requests, and online train-
22 ing and resources.

23 **SEC. 208. LOANS TO MDIS AND CDFIS.**

24 (a) IN GENERAL.—During the COVID–19 emergency
25 period, the Board of Governors of the Federal Reserve

1 System shall provide zero-interest loans to minority depos-
2 itory institutions and community development financial in-
3 stitutions to help mitigate the economic impact of
4 COVID–19 in low-income, underserved communities.

5 (b) ASSET LIMITATION.—Subsection (a) shall only
6 apply to minority depository institutions and community
7 development financial institutions with less than
8 \$1,000,000,000 in assets.

9 (c) INTEREST TO RESUME 18 MONTHS AFTER PAN-
10 DEMIC.—Notwithstanding subsection (a), the Board of
11 Governors shall charge interest on loans made pursuant
12 to subsection (a) after the end of the 18-month period be-
13 ginning at the end of the COVID–19 emergency period,
14 at a rate to be determined by the Board of Governors
15 based on the interest amount charged under the discount
16 window lending programs.

17 (d) COVID–19 PANDEMIC DEFINED.—In this sec-
18 tion, the term “COVID–19 emergency period” means the
19 period that begins upon the date of the enactment of this
20 Act and ends upon the date of the termination by the Fed-
21 eral Emergency Management Administration of the emer-
22 gency declared on March 13, 2020, by the President under
23 the Robert T. Stafford Disaster Relief and Emergency As-
24 sistance Act (42 U.S.C. 4121 et seq.) relating to the
25 Coronavirus Disease 2019 (COVID–19) pandemic.

1 **SEC. 209. INSURANCE OF TRANSACTION ACCOUNTS.**

2 (a) BANKS AND SAVINGS ASSOCIATIONS.—

3 (1) AMENDMENTS.—Section 11(a)(1) of the
4 Federal Deposit Insurance Act (12 U.S.C.
5 1821(a)(1)) is amended—

6 (A) in subparagraph (B)—

7 (i) by striking “The net amount” and
8 inserting the following:

9 “(i) IN GENERAL.—Subject to clause
10 (ii), the net amount”; and

11 (ii) by adding at the end the following
12 new clauses:

13 “(ii) AUTHORIZATION FOR INSURANCE
14 FOR TRANSACTION ACCOUNTS.—Notwith-
15 standing clause (i), the Corporation may
16 fully insure the net amount that any de-
17 positor at an insured depository institution
18 maintains in a transaction account. Such
19 amount shall not be taken into account
20 when computing the net amount due to
21 such depositor under clause (i).

22 “(iii) TRANSACTION ACCOUNT DE-
23 FINED.—For purposes of this subpara-
24 graph, the term ‘transaction account’ has
25 the meaning given that term under section

1 19 of the Federal Reserve Act (12 U.S.C.
2 461).”; and

3 (B) in subparagraph (C), by striking “sub-
4 paragraph (B)” and inserting “subparagraph
5 (B)(i)”.

6 (2) PROSPECTIVE REPEAL.—Effective January
7 1, 2022, section 11(a)(1) of the Federal Deposit In-
8 surance Act (12 U.S.C. 1821(a)(1)), as amended by
9 paragraph (1), is amended—

10 (A) in subparagraph (B)—

11 (i) by striking “DEPOSIT.—” and all
12 that follows through “clause (ii), the net
13 amount” and insert “DEPOSIT.—The net
14 amount”; and

15 (ii) by striking clauses (ii) and (iii);

16 and

17 (B) in subparagraph (C), by striking “sub-
18 paragraph (B)(i)” and inserting “subparagraph
19 (B)”.

20 (b) CREDIT UNIONS.—

21 (1) AMENDMENTS.—Section 207(k)(1) of the
22 Federal Credit Union Act (12 U.S.C. 1787(k)(1)) is
23 amended—

24 (A) in subparagraph (A)—

1 (i) by striking “Subject to the provi-
2 sions of paragraph (2), the net amount”
3 and inserting the following:

4 “(i) NET AMOUNT OF INSURANCE
5 PAYABLE.—Subject to clause (ii) and the
6 provisions of paragraph (2), the net
7 amount”; and

8 (ii) by adding at the end the following
9 new clauses:

10 “(ii) AUTHORIZATION FOR INSURANCE
11 FOR TRANSACTION ACCOUNTS.—Notwith-
12 standing clause (i), the Board may fully in-
13 sure the net amount that any member or
14 depositor at an insured credit union main-
15 tains in a transaction account. Such
16 amount shall not be taken into account
17 when computing the net amount due to
18 such member or depositor under clause (i).

19 “(iii) TRANSACTION ACCOUNT DE-
20 FINED.—For purposes of this subpara-
21 graph, the term ‘transaction account’ has
22 the meaning given that term under section
23 19 of the Federal Reserve Act (12 U.S.C.
24 461).”; and

1 (B) in subparagraph (B), by striking “sub-
2 paragraph (A)” and inserting “subparagraph
3 (A)(i)”.

4 (2) PROSPECTIVE REPEAL.—Effective January
5 1, 2022, section 207(k)(1) of the Federal Credit
6 Union Act (12 U.S.C. 1787(k)(1)), as amended by
7 paragraph (1), is amended—

8 (A) in subparagraph (A)—

9 (i) by striking “(i) NET AMOUNT OF
10 INSURANCE PAYABLE.—” and all that fol-
11 lows through “paragraph (2), the net
12 amount” and inserting “Subject to the
13 provisions of paragraph (2), the net
14 amount”; and

15 (ii) by striking clauses (ii) and (iii);
16 and

17 (B) in subparagraph (B), by striking “sub-
18 paragraph (A)(i)” and inserting “subparagraph
19 (A)”.

20 (c) COVID–19 EMERGENCY DEFINED.—In this sec-
21 tion, the term “COVID–19 emergency” means the period
22 that begins upon the date of the enactment of this Act
23 and ends upon the date of the termination by the Federal
24 Emergency Management Agency of the emergency de-
25 clared on March 13, 2020, by the President under the

1 Robert T. Stafford Disaster Relief and Emergency Assist-
2 ance Act (42 U.S.C. 4121 et seq.) relating to the
3 Coronavirus Disease 2019 (COVID–19) pandemic.

4 **TITLE III—SUPPORTING STATE,**
5 **TERRITORY, AND LOCAL GOV-**
6 **ERNMENTS**

7 **SEC. 301. MUNI FACILITY.**

8 (a) AMENDMENT TO AUTHORITY TO BUY AND SELL
9 BONDS AND NOTES.—Section 14(b) of the Federal Re-
10 serve Act (12 U.S.C. 355) is amended—

11 (1) in paragraph (1)—

12 (A) by inserting “and during unusual and
13 exigent circumstances,” before “bonds issued”;
14 and

15 (B) by striking “of 1933” and all that fol-
16 lows through “assured revenues”; and

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

18 “(3) STATE DEFINED.—In this section, the
19 term ‘State’ means each of the several States, the
20 District of Columbia, each territory and possession
21 of the United States, and each federally recognized
22 Indian Tribe.”.

23 (b) FEDERAL RESERVE AUTHORIZATION TO PUR-
24 CHASE COVID–19 RELATED MUNICIPAL ISSUANCES.—

1 (1) **AUTHORITY.**—Within seven days after the
2 date of enactment of this subsection, the Federal
3 Reserve Board of Governors shall establish a facility
4 to buy and sell, at home or abroad, bills, notes,
5 bonds, and warrants with a maturity from date of
6 purchase of not exceeding 10 years that are issued
7 by any State or political subdivision thereof between
8 March 1, 2020, and July 1, 2021, in order to fund
9 a public health or public service response to the
10 COVID–19 pandemic. The Board of Governors of
11 the Federal Reserve System may extend the author-
12 ity under this subsection if the Board determines
13 necessary.

14 (2) **REQUIRED PURCHASES.**—The Board of
15 Governors of the Federal Reserve System shall es-
16 tablish policies and procedures to require the direct
17 placement of bills, notes, bonds, and warrants de-
18 scribed in paragraph (1) with the Board at an inter-
19 est cost that does not exceed the Federal funds rate
20 target for short-term interbank lending, within seven
21 days after the date of enactment of this section.

22 (3) **REVIEW OF SPENDING.**—During the 3-year
23 period beginning on the date on which all purchases
24 under this section are completed, relevant Federal
25 authorities shall review such purchases to determine

1 if funds were diverted from legitimate public health
2 or public services responses to the COVID–19 pan-
3 demic to make such purchase. The relevant Federal
4 authorities shall take appropriate action based on
5 findings of such review.

6 (4) DEFINITIONS.—In this subsection:

7 (A) PUBLIC HEALTH OR PUBLIC SERVICE
8 RESPONSE TO THE COVID–19 PANDEMIC.—The
9 term “public health or public service response
10 to the COVID–19 pandemic” means—

11 (i) the purchase, manufacture, or de-
12 livery of medical equipment, facilities, or
13 services—

14 (I) to treat or quarantine
15 COVID–19 patients;

16 (II) to protect first responders
17 interacting with such patients; or

18 (III) to test for COVID–19 infec-
19 tions and track social contacts of pa-
20 tients who have tested positive for the
21 virus;

22 (ii) the purchase, manufacture, or de-
23 livery of basic living supports for individ-
24 uals who are not COVID–19 patients dur-
25 ing periods of voluntary or mandatory so-

1 cial distancing or quarantine designed to
2 prevent the spread of COVID–19; or

3 (iii) the maintenance and delivery of
4 basic public services to communities re-
5 sponding to the public health or economic
6 effects of the COVID–19 pandemic.

7 (B) STATE.—The term “State” means
8 each of the several States, the District of Co-
9 lumbia, each territory and possession of the
10 United States, and each federally recognized In-
11 dian Tribe.

12 **SEC. 302. TEMPORARY WAIVER AND REPROGRAMMING AU-**
13 **THORITY.**

14 (a) WAIVER AUTHORITY.—

15 (1) IN GENERAL.—With respect to a covered
16 grant awarded to a State, territory, or local govern-
17 ment by a Federal financial regulator, the Federal
18 financial regulator may, upon request, waive any
19 matching or cost-sharing requirements with respect
20 to such grant until January 1, 2023.

21 (2) REQUIREMENTS FOR WAIVER RECIPI-
22 ENTS.—A State, territory, or local government
23 granted a waiver with respect to a grant under sub-
24 section (a) shall waive any matching or cost-sharing

1 requirements that such government imposes on sub-
2 grantees on such grant until January 1, 2023.

3 (b) REPROGRAMMING AUTHORITY.—

4 (1) IN GENERAL.—With respect to a covered
5 grant awarded to a State, territory, or local govern-
6 ment by a Federal financial regulator, the Federal
7 financial regulator may, upon request, permit the
8 State, territory, or local government to reprogram
9 awarded grant funds for purposes related to unem-
10 ployment, childcare, and healthcare, if the majority
11 of normally funded activities under such grant are
12 not in areas related to unemployment, childcare, and
13 healthcare.

14 (2) CONSIDERATION FOR FUTURE GRANTS.—
15 Any grantee (or sub-grantee) with respect to which
16 a Federal financial regulator allows to reprogram
17 funds under paragraph (1) shall be given priority by
18 such Federal financial regulator for future awards of
19 the type reprogrammed.

20 (c) DEFINITIONS.—In this section:

21 (1) COVERED GRANTS.—The term “covered
22 award” means a grant—

23 (A) that was awarded to a State, territory,
24 or local government before the date of enact-
25 ment of this Act and under which the State,

1 territory, or local government may still receive
2 additional grant amounts; or

3 (B) with respect to which the period of
4 performance does not expire before January 1,
5 2023.

6 (2) FEDERAL FINANCIAL REGULATOR.—The
7 term “Federal financial regulator” means the Board
8 of Governors of the Federal Reserve System, the
9 Bureau of Consumer Financial Protection, the De-
10 partment of Housing and Urban Development, the
11 Department of the Treasury (other than the Inter-
12 nal Revenue Service), the Federal Deposit Insurance
13 Corporation, the Office of the Comptroller of the
14 Currency, the National Credit Union Administra-
15 tion, and the Securities and Exchange Commission.

16 **TITLE IV—PROMOTING FINAN-**
17 **CIAL STABILITY AND TRANS-**
18 **PARENT MARKETS**

19 **SEC. 401. TEMPORARY HALT TO RULEMAKINGS UNRE-**
20 **LATED TO COVID-19.**

21 (a) IN GENERAL.—Until the end of the 30-day period
22 following the end of the COVID-19 emergency period, the
23 Federal financial regulators—

24 (1) may not adopt or amend any rule, regula-
25 tion, guidance, or order unless such rule, regulation,

1 guidance, or order is directly related to responding
2 to the COVID–19 emergency; and

3 (2) shall keep open and extend any ongoing
4 public comment period related to a proposed or final
5 rule, unless such rule is related to responding to the
6 COVID–19 emergency.

7 (b) NOTICE AND SUNSET OF EMERGENCY AC-
8 TIONS.—The Federal financial regulators shall—

9 (1) provide the Committee on Financial Serv-
10 ices of the House of Representatives and the Com-
11 mittee on Banking, Housing, and Urban Affairs of
12 the Senate with a notice of any regulatory actions
13 taken during the COVID–19 emergency period,
14 along with an explanation of how such action was
15 necessary and appropriate in response to the
16 COVID–19 emergency; and

17 (2) limit the period of effectiveness of any ac-
18 tion taken in response to the COVID–19 emergency
19 to be not longer than 12-months following the end
20 of the COVID–19 emergency period.

21 (c) VOTING BY REGULATORS.—Any action taken pur-
22 suant to this section by a Federal financial regulator head-
23 ed by a multi-person entity may only be taken by unani-
24 mous vote.

25 (d) DEFINITIONS.—In this section:

1 (1) COVID–19 EMERGENCY PERIOD.—For pur-
2 poses of this Act, the term “COVID–19 emergency
3 period” means the period that begins upon the date
4 of the enactment of this Act and ends upon the date
5 of the termination by the Federal Emergency Man-
6 agement Agency of the emergency declared on
7 March 13, 2020, by the President under the Robert
8 T. Stafford Disaster Relief and Emergency Assist-
9 ance Act (42 U.S.C. 4121 et seq.) relating to the
10 Coronavirus Disease 2019 (COVID–19) pandemic.

11 (2) FEDERAL FINANCIAL REGULATOR.—In this
12 section, the term “Federal financial regulator”
13 means the Board of Governors of the Federal Re-
14 serve System, the Bureau of Consumer Financial
15 Protection, the Department of Housing and Urban
16 Development, the Department of the Treasury
17 (other than the Internal Revenue Service), the Fed-
18 eral Deposit Insurance Corporation, the Federal
19 Housing Finance Agency, the Office of the Comp-
20 troller of the Currency, the National Credit Union
21 Administration, and the Securities and Exchange
22 Commission.

23 **SEC. 402. TEMPORARY BAN ON STOCK BUYBACKS.**

24 (a) IN GENERAL.—It shall be unlawful for any issuer,
25 the securities of which are traded on a national securities

1 exchange, to purchase securities of the issuer during the
2 period beginning on the date of enactment of this section
3 and ending 120 days after the end of the COVID–19
4 emergency period.

5 (b) EARLY TERMINATION.—The Securities and Ex-
6 change Commission may terminate the prohibition under
7 subsection (a) after the end of the COVID–19 emergency
8 period and before the end of the 120-day period described
9 under subsection (a), if—

10 (1) the Commission determines such termi-
11 nation is in the public interest; and

12 (2) immediately notifies the Congress and the
13 public of such determination and the reason for such
14 determination, including on the website of the Com-
15 mission.

16 (c) ENFORCEMENT; RULEMAKING.—

17 (1) IN GENERAL.—The Securities and Ex-
18 change Commission shall have the authority to en-
19 force this Act and may issue such rules as may be
20 necessary to carry out this Act.

21 (2) COMMISSION VOTING.—Any action taken by
22 the Commission pursuant to this section may only be
23 taken upon a unanimous vote of the commissioners.

24 (d) DEFINITIONS.—In this section:

1 (1) COVID–19 EMERGENCY PERIOD.—The
2 term “COVID–19 emergency period” means the pe-
3 riod that begins upon the date of the enactment of
4 this Act and ends upon the date of the termination
5 by the Federal Emergency Management Agency of
6 the emergency declared on March 13, 2020, by the
7 President under the Robert T. Stafford Disaster Re-
8 lief and Emergency Assistance Act (42 U.S.C. 4121
9 et seq.) relating to the Coronavirus Disease 2019
10 (COVID–19) pandemic.

11 (2) OTHER DEFINITIONS.—The terms “issuer”,
12 “national securities exchange”, and “security” have
13 the meaning given those terms, respectively, under
14 section 3 of the Securities Exchange Act of 1934.

15 **SEC. 403. DISCLOSURES RELATED TO SUPPLY CHAIN DIS-**
16 **RUPTION RISK.**

17 Section 13 of the Securities Exchange Act of 1934
18 (15 U.S.C. 78m) is amended by adding at the end the
19 following:

20 “(s) DISCLOSURES RELATED TO SUPPLY CHAIN DIS-
21 RUPTION RISK.—

22 “(1) IN GENERAL.—Each issuer required to file
23 an annual report under subsection (a) shall disclose
24 in that report—

25 “(A) an identification of—

1 “(i) the risks in the issuer’s sourcing
2 of goods, labor, services, and other supply
3 chain related matters, including—

4 “(I) risks of dependency upon
5 sole sourcing arrangements or
6 sourcing concentrated in one geo-
7 graphic locality;

8 “(II) shipping risks; and

9 “(III) risks arising from natural
10 disasters, pandemics, extreme weath-
11 er, armed conflicts, refugee and re-
12 lated disruptions, trade conflicts or
13 disruptions, and labor wage, safety,
14 and health care practices; and

15 “(ii) the impacts any risk or disrup-
16 tion identified in clause (i) would have on
17 the issuer’s workforce, suppliers, and cus-
18 tomers;

19 “(B) the issuer’s business continuity or
20 other contingency plans that will be imple-
21 mented in the case of a supply chain disruption
22 in order to mitigate such risks and impacts;
23 and

24 “(C) all other material information.

1 “(2) UPDATES.—Disclosures required under
2 this subsection shall be updated when there are ma-
3 terial changes.”.

4 **SEC. 404. DISCLOSURES RELATED TO GLOBAL PANDEMIC**
5 **RISK.**

6 (a) IN GENERAL.—Section 13 of the Securities Ex-
7 change Act of 1934 (15 U.S.C. 78m), as amended by sec-
8 tion 403, is further amended by adding at the end the
9 following:

10 “(t) DISCLOSURES RELATED TO GLOBAL PANDEMIC
11 RISK.—

12 “(1) IN GENERAL.—Each issuer required to file
13 current reports under subsection (a) shall, in the
14 event the World Health Organization declares a pan-
15 demic, file a report with the Commission containing
16 a description of—

17 “(A) the risks and exposures to the issuer
18 related to the pandemic, including risks to
19 health and worker safety faced by the issuer’s
20 employees and independent contractors;

21 “(B) the steps the issuer is taking to miti-
22 gate such risks and exposures, including meas-
23 ures to protect the workforce, including infor-
24 mation related to wages, healthcare, and leave;

1 “(C) a preliminary view on the effect the
2 pandemic may have on the issuer’s business,
3 solvency, and workforce; and

4 “(D) all other material information.

5 “(2) UPDATES.—Disclosures required under
6 this subsection shall be updated when there are ma-
7 terial changes.

8 “(3) PUBLIC AVAILABILITY OF REPORTS.—The
9 Commission shall make each report filed to the
10 Commission under paragraph (1) available to the
11 public, including on the website of the Commis-
12 sion.”.

13 (b) APPLICATION.—Section 13(t) of the Securities
14 Exchange Act of 1934, as added by subsection (a), shall
15 apply to a pandemic declared by the World Health Organi-
16 zation that is in existence on the date of enactment of
17 this Act or that is declared after the date of enactment
18 of this Act.

19 **SEC. 405. OVERSIGHT OF FEDERAL AID RELATED TO**
20 **COVID-19.**

21 (a) CONGRESSIONAL COVID-19 AID OVERSIGHT
22 PANEL.—

23 (1) ESTABLISHMENT.—There is hereby estab-
24 lished the Congressional COVID-19 Aid Oversight
25 Panel (hereafter in this subsection referred to as the

1 “Oversight Panel”) as an establishment in the legis-
2 lative branch.

3 (2) DUTIES.—The Oversight Panel shall review
4 the current state of the financial markets and the
5 regulatory system and submit regular reports to
6 Congress on the following:

7 (A) The use of Federal aid provided during
8 the COVID–19 emergency.

9 (B) The impact of Federal aid related to
10 COVID–19 on the financial markets and finan-
11 cial institutions.

12 (3) MEMBERSHIP.—

13 (A) IN GENERAL.—The Oversight Panel
14 shall consist of 5 members, as follows:

15 (i) 1 member appointed by the Speak-
16 er of the House of Representatives.

17 (ii) 1 member appointed by the minor-
18 ity leader of the House of Representatives.

19 (iii) 1 member appointed by the ma-
20 jority leader of the Senate.

21 (iv) 1 member appointed by the mi-
22 nority leader of the Senate.

23 (v) 1 member appointed by the Speak-
24 er of the House of Representatives and the
25 majority leader of the Senate, after con-

1 sultation with the minority leader of the
2 Senate and the minority leader of the
3 House of Representatives.

4 (B) PAY.—Each member of the Oversight
5 Panel shall each be paid at a rate equal to the
6 daily equivalent of the annual rate of basic pay
7 for level I of the Executive Schedule for each
8 day (including travel time) during which such
9 member is engaged in the actual performance of
10 duties vested in the Commission.

11 (C) PROHIBITION OF COMPENSATION OF
12 FEDERAL EMPLOYEES.—Members of the Over-
13 sight Panel who are full-time officers or em-
14 ployees of the United States or Members of
15 Congress may not receive additional pay, allow-
16 ances, or benefits by reason of their service on
17 the Oversight Panel.

18 (D) TRAVEL EXPENSES.—Each member
19 shall receive travel expenses, including per diem
20 in lieu of subsistence, in accordance with appli-
21 cable provisions under subchapter I of chapter
22 57 of title 5, United States Code.

23 (E) QUORUM.—Four members of the Over-
24 sight Panel shall constitute a quorum but a
25 lesser number may hold hearings.

1 (F) VACANCIES.—A vacancy on the Over-
2 sight Panel shall be filled in the manner in
3 which the original appointment was made.

4 (G) MEETINGS.—The Oversight Panel
5 shall meet at the call of the Chairperson or a
6 majority of its members.

7 (4) STAFF.—

8 (A) IN GENERAL.—The Oversight Panel
9 may appoint and fix the pay of any personnel
10 as the Oversight Panel considers appropriate.

11 (B) EXPERTS AND CONSULTANTS.—The
12 Oversight Panel may procure temporary and
13 intermittent services under section 3109(b) of
14 title 5, United States Code.

15 (C) STAFF OF AGENCIES.—Upon request
16 of the Oversight Panel, the head of any Federal
17 department or agency may detail, on a reim-
18 bursable basis, any of the personnel of that de-
19 partment or agency to the Oversight Panel to
20 assist it in carrying out its duties under this
21 section.

22 (5) POWERS.—

23 (A) HEARINGS AND SESSIONS.—The Over-
24 sight Panel may, for the purpose of carrying
25 out this section, hold hearings, sit and act at

1 times and places, take testimony, and receive
2 evidence as the Panel considers appropriate and
3 may administer oaths or affirmations to wit-
4 nesses appearing before it.

5 (B) POWERS OF MEMBERS AND AGENTS.—
6 Any member or agent of the Oversight Panel
7 may, if authorized by the Oversight Panel, take
8 any action which the Oversight Panel is author-
9 ized to take by this section.

10 (C) OBTAINING OFFICIAL DATA.—The
11 Oversight Panel may secure directly from any
12 department or agency of the United States in-
13 formation necessary to enable it to carry out
14 this section. Upon request of the Chairperson of
15 the Oversight Panel, the head of that depart-
16 ment or agency shall furnish that information
17 to the Oversight Panel.

18 (D) REPORTS.—The Oversight Panel shall
19 receive and consider all reports required to be
20 submitted to the Oversight Panel under this
21 section.

22 (6) AUTHORIZATION OF APPROPRIATIONS.—
23 There is authorized to be appropriated to the Over-
24 sight Panel such sums as may be necessary for any
25 fiscal year, half of which shall be derived from the

1 applicable account of the House of Representatives,
2 and half of which shall be derived from the contin-
3 gent fund of the Senate.

4 (7) SUNSET.—The Oversight Panel established
5 by this subsection shall terminate on the date that
6 is two years following the termination by the Federal
7 Emergency Management Agency of the emergency
8 declared on March 13, 2020, by the President under
9 the Robert T. Stafford Disaster Relief and Emer-
10 gency Act (42 U.S.C. 4121 et seq.) relating to the
11 Coronavirus Disease 2019 (COVID–19) pandemic.

12 (8) DEFINITIONS.—In this subsection:

13 (A) COVID–19 EMERGENCY.—The term
14 “COVID–19 emergency” means the period that
15 begins upon the date of the enactment of this
16 Act and ends one year after the termination by
17 the Federal Emergency Management Agency of
18 the emergency declared on March 13, 2020, by
19 the President under the Robert T. Stafford Dis-
20 aster Relief and Emergency Act (42 U.S.C.
21 4121 et seq.) relating to the Coronavirus Dis-
22 ease 2019 (COVID–19) pandemic.

23 (B) FEDERAL AID.—The term “Federal
24 aid” means any emergency lending provided
25 under section 13(3) of the Federal Reserve Act

1 or any Federal financial support in the form of
2 a grant, loan, or loan guarantee.

3 (b) SPECIAL INSPECTOR GENERAL AUTHORITY OVER
4 FEDERAL AID RELATED TO COVID–19.—Section 121 of
5 the Emergency Economic Stabilization Act of 2008 (12
6 U.S.C. 5231) is amended—

7 (1) in subsection (k)—

8 (A) in paragraph (1), by striking “or” at
9 the end;

10 (B) in paragraph (2), by striking the pe-
11 riod at the end and inserting “; or”; and

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

13 “(3) the date on which all Federal aid related
14 to the COVID–19 emergency is repaid.”; and

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

16 “(l) RESPONSIBILITY WITH RESPECT TO FEDERAL
17 AID RELATED TO COVID–19.—

18 “(1) IN GENERAL.—The Special Inspector Gen-
19 eral shall have the same authority and responsibil-
20 ities with respect to Federal aid provided during the
21 COVID–19 emergency as the Special Inspector Gen-
22 eral has with respect to financial assistance (includ-
23 ing the purchase of troubled assets) provided under
24 this title.

25 “(2) DEFINITIONS.—In this section:

1 “(A) COVID–19 EMERGENCY.—The term
2 ‘COVID–19 emergency’ means the period that
3 begins upon the date of the enactment of this
4 Act and ends one year after the termination by
5 the Federal Emergency Management Agency of
6 the emergency declared on March 13, 2020, by
7 the President under the Robert T. Stafford Dis-
8 aster Relief and Emergency Act (42 U.S.C.
9 4121 et seq.) relating to the Coronavirus Dis-
10 ease 2019 (COVID–19) pandemic.

11 “(B) FEDERAL AID.—The term ‘Federal
12 aid’ means any emergency lending provided
13 under section 13(3) of the Federal Reserve Act
14 or any Federal financial support in the form of
15 a grant, loan, or loan guarantee.”.

16 **SEC. 406. INTERNATIONAL FINANCIAL INSTITUTIONS.**

17 (a) UNITED STATES PARTICIPATION IN, AND CON-
18 TRIBUTIONS TO, THE NINETEENTH REPLENISHMENT OF
19 THE RESOURCES OF THE INTERNATIONAL DEVELOPMENT
20 ASSOCIATION.— The International Development Associa-
21 tion Act (22 U.S.C. 284 et seq.) is amended by adding
22 at the end the following:

23 **“SEC. 31. NINETEENTH REPLENISHMENT.**

24 “(a) The United States Governor of the International
25 Development Association is authorized to contribute on

1 behalf of the United States \$3,004,200,000 to the nine-
2 tenth replenishment of the resources of the Association,
3 subject to obtaining the necessary appropriations.

4 “(b) In order to pay for the United States contribu-
5 tion provided for in subsection (a), there are authorized
6 to be appropriated, without fiscal year limitation,
7 \$3,004,200,000 for payment by the Secretary of the
8 Treasury.”.

9 (b) UNITED STATES PARTICIPATION IN, AND CON-
10 TRIBUTIONS TO, THE FIFTEENTH REPLENISHMENT OF
11 THE RESOURCES OF THE AFRICAN DEVELOPMENT
12 FUND.—The African Development Fund Act (22 U.S.C.
13 290g et seq.) is amended by adding at the end the fol-
14 lowing:

15 **“SEC. 226. FIFTEENTH REPLENISHMENT.**

16 “(a) The United States Governor of the Fund is au-
17 thorized to contribute on behalf of the United States
18 \$513,900,000 to the fifteenth replenishment of the re-
19 sources of the Fund, subject to obtaining the necessary
20 appropriations.

21 “(b) In order to pay for the United States contribu-
22 tion provided for in subsection (a), there are authorized
23 to be appropriated, without fiscal year limitation,
24 \$513,900,000 for payment by the Secretary of the Treas-
25 ury.”.

1 (c) UNITED STATES PARTICIPATION IN, AND CON-
2 TRIBUTIONS TO, THE SEVENTH CAPITAL INCREASE FOR
3 THE AFRICAN DEVELOPMENT BANK.— The African De-
4 velopment Bank Act (22 U.S.C. 290i et seq.) is amended
5 by adding at the end the following:

6 **“SEC. 1345. SEVENTH CAPITAL INCREASE.**

7 “(a) SUBSCRIPTION AUTHORIZED.—

8 “(1) The United States Governor of the Bank
9 may subscribe on behalf of the United States to
10 532,023 additional shares of the capital stock of the
11 Bank.

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

16 “(b) LIMITATIONS ON AUTHORIZATION OF APPRO-
17 PRIATIONS.—

18 “(1) In order to pay for the increase in the
19 United States subscription to the Bank under sub-
20 section (a), there are authorized to be appropriated,
21 without fiscal year limitation, \$7,286,587,008 for
22 payment by the Secretary of the Treasury.

23 “(2) Of the amount authorized to be appro-
24 priated under paragraph (1)—

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

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

5 **SEC. 407. CONDITIONS ON FEDERAL AID TO CORPORA-**
6 **TIONS.**

7 (a) REQUIREMENTS ON ALL CORPORATIONS UNTIL
8 FEDERAL AID RELATED TO COVID-19 IS REPAID.—Any
9 corporation that receives Federal aid related to COVID-
10 19 shall, until the date on which all such Federal aid is
11 repaid by the corporation to the Federal Government,
12 comply with the following:

13 (1) RESTRICTIONS ON EXECUTIVE BONUSES.—

14 The corporation may not pay a bonus to any execu-
15 tive of the corporation.

16 (2) BAN ON EXECUTIVE GOLDEN PARA-

17 CHUTES.—The corporation may not pay any type of
18 compensation (whether present, deferred, or contin-
19 gent) to an executive of the corporation, if such com-
20 pensation is in connection with the termination of
21 employment of the executive.

22 (3) BAN ON STOCK BUYBACKS.—The corpora-
23 tion may not purchase securities of the corporation.

24 (4) BAN ON DIVIDENDS.—The corporation may
25 not pay dividends on securities of the corporation.

1 (5) BAN ON FEDERAL LOBBYING.—The cor-
2 poration may not carry out any Federal lobbying ac-
3 tivities.

4 (b) PERMANENT REQUIREMENTS ON ACCELERATED
5 FILERS RECEIVING FEDERAL AID RELATED TO COVID-
6 19.—

7 (1) IN GENERAL.—An accelerated filer that re-
8 ceives Federal aid related to COVID-19 shall per-
9 manently comply with the following:

10 (A) WORKER BOARD REPRESENTATION.—

11 (i) IN GENERAL.—At least $\frac{1}{3}$ of the
12 members of the accelerated filer’s directors
13 are chosen by the employees of the acceler-
14 ated filer in a one-employee-one-vote elec-
15 tion process.

16 (ii) COMPLIANCE DATE.—An acceler-
17 ated filer shall comply with the require-
18 ments under clause (i) not later than the
19 end of the 2-year period beginning on the
20 date of enactment of this Act.

21 (iii) DEFINITIONS.—In this subpara-
22 graph—

23 (I) the term “director” has the
24 meaning given the term in section 3

1 of the Securities Exchange Act of
2 1934 (15 U.S.C. 78c); and

3 (II) the term “employee” has the
4 meaning given the term in section 2
5 of the National Labor Relations Act
6 (29 U.S.C. 152).

7 (B) ADDITIONAL DISCLOSURES.—If the se-
8 curities of the corporation are traded on a na-
9 tional securities exchange, the corporation shall
10 issue the following disclosures to the Securities
11 and Exchange Commission on a quarterly basis
12 (and make such disclosures available to share-
13 holders of the corporation and the public):

14 (i) The political spending disclosures
15 required under paragraph (2).

16 (ii) The human capital management
17 disclosures required under paragraph (3).

18 (iii) The environmental, social, and
19 governance disclosures required under
20 paragraph (4).

21 (iv) The Federal aid disclosures re-
22 quired under paragraph (5).

23 (v) The disclosures of financial per-
24 formance on a country-by-country basis re-
25 quired under paragraph (6).

1 (2) POLITICAL SPENDING DISCLOSURES.—

2 (A) IN GENERAL.—With respect to an ac-
3 celerated filer, the disclosures required under
4 this paragraph are—

5 (i) a description of any expenditure
6 for political activities made during the pre-
7 ceding quarter;

8 (ii) the date of each expenditure for
9 political activities;

10 (iii) the amount of each expenditure
11 for political activities;

12 (iv) if the expenditure for political ac-
13 tivities was made in support of or opposed
14 to a candidate, the name of the candidate
15 and the office sought by, and the political
16 party affiliation of, the candidate;

17 (v) the name or identity of trade asso-
18 ciations or organizations described in sec-
19 tion 501(c) of the Internal Revenue Code
20 of 1986 and exempt from tax under sec-
21 tion 501(a) of such Code which receive
22 dues or other payments as described in
23 paragraph (1)(A)(i)(III);

24 (vi) a summary of each expenditure
25 for political activities made during the pre-

1 ceding year in excess of \$10,000, and each
2 expenditure for political activities for a
3 particular election if the total amount of
4 such expenditures for that election is in ex-
5 cess of \$10,000;

6 (vii) a description of the specific na-
7 ture of any expenditure for political activi-
8 ties the corporation intends to make for
9 the forthcoming fiscal year, to the extent
10 the specific nature is known to the cor-
11 poration; and

12 (viii) the total amount of expenditures
13 for political activities intended to be made
14 by the corporation for the forthcoming fis-
15 cal year.

16 (B) DEFINITIONS.—In this paragraph:

17 (i) EXPENDITURE FOR POLITICAL AC-
18 TIVITIES.—The term “expenditure for po-
19 litical activities”—

20 (I) means—

21 (aa) an independent expend-
22 iture (as defined in section
23 301(17) of the Federal Election
24 Campaign Act of 1971 (52
25 U.S.C. 30101(17)));

1 (bb) an electioneering com-
2 munication (as defined in section
3 304(f)(3) of that Act (52 U.S.C.
4 30104(f)(3))) and any other pub-
5 lic communication (as defined in
6 section 301(22) of that Act (52
7 U.S.C. 30101(22))) that would
8 be an electioneering communica-
9 tion if it were a broadcast, cable,
10 or satellite communication; or

11 (cc) dues or other payments
12 to trade associations or organiza-
13 tions described in section 501(c)
14 of the Internal Revenue Code of
15 1986 and exempt from tax under
16 section 501(a) of that Code that
17 are, or could reasonably be an-
18 ticipated to be, used or trans-
19 ferred to another association or
20 organization for the purposes de-
21 scribed in item (aa) or (bb); and
22 (II) does not include—

23 (aa) direct lobbying efforts
24 through registered lobbyists em-

1 employed or hired by the corpora-
2 tion;

3 (bb) communications by a
4 corporation to its shareholders
5 and executive or administrative
6 personnel and their families; or

7 (cc) the establishment and
8 administration of contributions to
9 a separate segregated fund to be
10 utilized for political purposes by
11 a corporation.

12 (ii) EXCEPTION.—The term “corpora-
13 tion” does not include an investment com-
14 pany registered under section 8 of the In-
15 vestment Company Act of 1940 (15 U.S.C.
16 80a–8).

17 (3) HUMAN CAPITAL MANAGEMENT DISCLO-
18 SURES.—With respect to an accelerated filer, the
19 disclosures required under this paragraph are the
20 following:

21 (A) Workforce demographic information,
22 including the number of full-time employees,
23 the number of part-time employees, the number
24 of contingent workers (including temporary and
25 contract workers), and any policies or practices

1 relating to subcontracting, outsourcing, and
2 insourcing.

3 (B) Workforce stability information, in-
4 cluding information about the voluntary turn-
5 over or retention rate, the involuntary turnover
6 rate, the internal hiring rate, and the internal
7 promotion rate.

8 (C) Workforce composition, including data
9 on diversity (including racial and gender com-
10 position) and any policies and audits related to
11 diversity.

12 (D) Workforce skills and capabilities, in-
13 cluding information about training of employees
14 (including the average number of hours of
15 training and spending on training per employee
16 per year), skills gaps, and alignment of skills
17 and capabilities with business strategy.

18 (E) Workforce culture and empowerment,
19 including information about—

20 (i) policies and practices of the cor-
21 poration relating to freedom of association
22 and work-life balance initiatives;

23 (ii) any incidents of verified workplace
24 harassment in the previous 5 fiscal years
25 of the corporation;

1 (iii) policies and practices of the cor-
2 poration relating to employee engagement
3 and psychological wellbeing, including
4 management discussion regarding—

5 (I) the creation of an autono-
6 mous work environment;

7 (II) fostering a sense of purpose
8 in the workforce;

9 (III) trust in management; and

10 (IV) a supportive, fair, and con-
11 structive workplace.

12 (F) Workforce health and safety, including
13 information about—

14 (i) the frequency, severity, and lost
15 time due to injuries, illness, and fatalities;

16 (ii) the total dollar value of assessed
17 fines under the Occupational Safety and
18 Health Act of 1970;

19 (iii) the total number of actions
20 brought under section 13 of the Occupa-
21 tional Safety and Health Act of 1970 to
22 prevent imminent dangers; and

23 (iv) the total number of actions
24 brought against the corporation under sec-

1 tion 11(c) of the Occupational Safety and
2 Health Act of 1970.

3 (G) Workforce compensation and incen-
4 tives, including information about—

5 (i) total workforce compensation, in-
6 cluding disaggregated information about
7 compensation for full-time, part-time, and
8 contingent workers;

9 (ii) policies and practices about how
10 performance, productivity, and sustain-
11 ability are considered when setting pay and
12 making promotion decisions; and

13 (iii) policies and practices relating to
14 any incentives and bonuses provided to em-
15 ployees below the named executive level
16 and any policies or practices designed to
17 counter any risks create by such incentives
18 and bonuses.

19 (H) Workforce recruiting, including infor-
20 mation about the quality of hire, new hire en-
21 gagement rate, and new hire retention rate.

22 (4) ENVIRONMENTAL, SOCIAL AND GOVERN-
23 ANCE DISCLOSURES.—With respect to an accelerated
24 filer, the disclosures required under this paragraph
25 are disclosures that satisfy the recommendations of

1 the Task Force on Climate-related Financial Disclo-
2 sures of the Financial Stability Board as reported in
3 June, 2017.

4 (5) FEDERAL AID DISCLOSURES.—With respect
5 to an accelerated filer, the disclosure required under
6 this paragraph is a description of how the Federal
7 aid related to COVID–19 received by the corporation
8 is being used to support the corporation’s employees.

9 (6) DISCLOSURES OF FINANCIAL PERFORMANCE
10 ON A COUNTRY-BY-COUNTRY BASIS.—

11 (A) IN GENERAL.—With respect to an ac-
12 celerated filer, the disclosures required under
13 this paragraph are the following:

14 (i) CONSTITUENT ENTITY INFORMA-
15 TION.—Information on any constituent en-
16 tity of the corporation, including the fol-
17 lowing:

18 (I) The complete legal name of
19 the constituent entity.

20 (II) The tax jurisdiction, if any,
21 in which the constituent entity is resi-
22 dent for tax purposes.

23 (III) The tax jurisdiction in
24 which the constituent entity is orga-

1 nized or incorporated (if different
2 from the tax jurisdiction of residence).

3 (IV) The tax identification num-
4 ber, if any, used for the constituent
5 entity by the tax administration of the
6 constituent entity's tax jurisdiction of
7 residence.

8 (V) The main business activity or
9 activities of the constituent entity.

10 (ii) TAX JURISDICTION.—Information
11 on each tax jurisdiction in which one or
12 more constituent entities is resident, pre-
13 sented as an aggregated or consolidated
14 form of the information for the constituent
15 entities resident in each tax jurisdiction,
16 including the following:

17 (I) Revenues generated from
18 transactions with other constituent
19 entities.

20 (II) Revenues not generated from
21 transactions with other constituent
22 entities.

23 (III) Profit or loss before income
24 tax.

1 (IV) Total income tax paid on a
2 cash basis to all tax jurisdictions.

3 (V) Total accrued tax expense re-
4 corded on taxable profits or losses.

5 (VI) Stated capital.

6 (VII) Total accumulated earn-
7 ings.

8 (VIII) Total number of employ-
9 ees on a full-time equivalent basis.

10 (IX) Net book value of tangible
11 assets, which, for purposes of this sec-
12 tion, does not include cash or cash
13 equivalents, intangibles, or financial
14 assets.

15 (iii) SPECIAL RULES.—The informa-
16 tion listed in clause (ii) shall be provided,
17 in aggregated or consolidated form, for any
18 constituent entity or entities that have no
19 tax jurisdiction of residence. In addition, if
20 a constituent entity is an owner of a con-
21 stituent entity that does not have a juris-
22 diction of tax residence, then the owner's
23 share of such entity's revenues and profits
24 will be aggregated or consolidated with the

1 information for the owner’s tax jurisdiction
2 of residence.

3 (B) DEFINITIONS.—In this paragraph—

4 (i) the term “constituent entity”
5 means, with respect to an accelerated filer,
6 any separate business entity of the acceler-
7 ated filer;

8 (ii) the term “tax jurisdiction”—

9 (I) means a country or a jurisdic-
10 tion that is not a country but that has
11 fiscal autonomy; and

12 (II) includes a territory or pos-
13 session of the United States that has
14 fiscal autonomy.

15 (c) PERMANENT REQUIREMENTS ON ALL CORPORA-
16 TIONS RECEIVING FEDERAL AID RELATED TO COVID-
17 19.—Any corporation that receives Federal aid related to
18 COVID-19 shall permanently comply with the following:

19 (1) PAID LEAVE FOR WORKERS.—The corpora-
20 tion shall provide at least 14 days of paid leave to
21 workers (employees and contractors, full-time and
22 part-time) who—

23 (A) are unable to telework;

24 (B) need to be isolated or quarantined to
25 prevent the spread of COVID-19; or

1 (C) need time off to care for the needs of
2 family members.

3 (2) MINIMUM WAGE.—The corporation shall
4 pay each employee (full-time and part-time) of the
5 corporation a wage of not less than \$15 an hour, be-
6 ginning not later than January 1, 2021.

7 (3) LIMITATION ON CEO AND EXECUTIVE
8 PAY.—The corporation may not have a CEO to me-
9 dian worker pay ratio of greater than 50 to 1 and
10 no officer or employee of the corporation may re-
11 ceived higher compensation than the chief executive
12 officer (or any equivalent position).

13 (d) REQUIREMENTS ON ALL CORPORATIONS RECEIV-
14 ING FEDERAL AID RELATED TO COVID–19 UNTIL THE
15 END OF THE EMERGENCY.—Any corporation that receives
16 Federal aid related to COVID–19 shall, until the COVID–
17 19 emergency ends, comply with the following:

18 (1) WORKFORCE LEVELS AND BENEFITS.—The
19 corporation shall maintain at least the same work-
20 force levels and benefits that existed before the
21 COVID–19 emergency.

22 (2) MAINTENANCE OF WORKER PAY.—The cor-
23 poration shall maintain worker (employee or con-
24 tractor, full-time and part-time) pay throughout the
25 entire duration of the COVID–19 emergency at or

1 above the pay level the worker was earning before
2 the emergency.

3 (3) MAINTENANCE OF COLLECTIVE BARGAINING
4 AGREEMENTS.—The corporation may not alter any
5 collective bargaining agreement that was in place at
6 the beginning of the COVID–19 emergency.

7 (e) ENFORCEMENT; RULEMAKING.—The Securities
8 and Exchange Commission and the Secretary of the
9 Treasury shall have the authority to enforce this section
10 and may issue such rules as may be necessary to carry
11 out this section.

12 (f) DEFINITIONS.—In this section:

13 (1) ACCELERATED FILER.—The Securities and
14 Exchange Commission shall define the term “accel-
15 erated filer” for purposes of this section.

16 (2) CEO TO MEDIAN WORKER PAY RATIO.—
17 With respect to an accelerated filer, the term “CEO
18 to median worker pay ratio” means the ratio of—

19 (A) the annual total compensation of the
20 chief executive officer (or any equivalent posi-
21 tion) of the corporation; and

22 (B) the median of the annual total com-
23 pensation of all employees of the corporation,
24 except the chief executive officer (or any equiva-
25 lent position) of the corporation.

1 (3) COVID–19 EMERGENCY.—The term
2 “COVID–19 emergency” means the period that be-
3 gins upon the date of the enactment of this Act and
4 ends upon the termination by the Federal Emer-
5 gency Management Agency of the emergency de-
6 clared on March 13, 2020, by the President under
7 the Robert T. Stafford Disaster Relief and Emer-
8 gency Act (42 U.S.C. 4121 et seq.) relating to the
9 Coronavirus Disease 2019 (COVID–19).

10 (4) FEDERAL AID.—The term “Federal aid”
11 means any emergency lending provided under section
12 13(3) of the Federal Reserve Act or any Federal fi-
13 nancial support in the form of a grant, loan, or loan
14 guarantee.

15 (5) S CORPORATION.—The term “S corpora-
16 tion” has the meaning given that term under section
17 1361(a) of the Internal Revenue Code of 1986.

18 (6) SECURITIES TERMS.—The terms “national
19 securities exchange” and “security” have the mean-
20 ing given those terms, respectively, under section 3
21 of the Securities Exchange Act of 1934.

22 **SEC. 408. AUTHORITY FOR WARRANTS AND DEBT INSTRU-**
23 **MENTS.**

24 (a) DEFINITIONS.—In this section:

1 (1) ASSET.—The term “asset” means any fi-
2 nancial instrument that the Secretary, after con-
3 sultation with the Chairman of the Board of Gov-
4 ernors of the Federal Reserve System, determines
5 the purchase of which or the guarantee of which is
6 necessary to promote economic stability.

7 (2) COMPANY.—The term “company” means
8 any entity that is not subject to the prohibitions in
9 subsection (e).

10 (3) SECRETARY.—The term “Secretary” means
11 the Secretary of the Treasury.

12 (b) WARRANT OR SENIOR DEBT INSTRUMENT.—The
13 Secretary may not purchase, or make any commitment to
14 purchase, or guarantee, or make any commitment to guar-
15 antee, any asset in response to the coronavirus disease
16 (COVID–19) outbreak, unless the Secretary receives from
17 the company from which such assets are to be purchased
18 or are to be guaranteed—

19 (1) in the case of a company, the securities of
20 which are traded on a national securities exchange,
21 a warrant giving the right to the Secretary to receive
22 preferred voting stock; or

23 (2) in the case of any company other than one
24 described in paragraph (1), a warrant for preferred

1 voting stock, or a senior debt instrument from such
2 company.

3 (c) TERMS AND CONDITIONS.—The terms and condi-
4 tions of any warrant or senior debt instrument required
5 under subsection (b) shall meet the following require-
6 ments:

7 (1) PURPOSES.—Such terms and conditions
8 shall, at a minimum, be designed—

9 (A) to provide for reasonable participation
10 by the Secretary, for the benefit of taxpayers,
11 in equity appreciation in the case of a warrant
12 or other equity security, or a reasonable interest
13 rate premium, in the case of a debt instrument;
14 and

15 (B) to provide additional protection for the
16 taxpayer against losses from sale of assets by
17 the Secretary and any associated administrative
18 expenses.

19 (2) TERMS OF PREFERRED VOTING STOCK.—
20 Any preferred voting stock received from a company
21 should include the following terms:

22 (A) VOTING RIGHTS.—The Secretary shall
23 have the right to vote on matters brought be-
24 fore the stockholders generally. The Secretary
25 shall control a percentage of votes equal to the

1 percentage of the total value of the company
2 the government's share will represent after the
3 investment.

4 (B) BANKRUPTCY IMMUNITY.—The rights
5 associated with the preferred voting stock shall
6 not be subject to modification, amendment, or
7 any change by the bankruptcy laws of the
8 United States or any other state.

9 (3) AUTHORITY TO SELL, EXERCISE, OR SUR-
10 RENDER.—

11 (A) IN GENERAL.—For the primary benefit
12 of taxpayers, the Secretary may sell, exercise,
13 or surrender a warrant or any senior debt in-
14 strument received under this section, based on
15 the conditions established under paragraph (1).

16 (B) PROCEEDS.—Of any proceeds received
17 through the sale, exercise, or surrender of any
18 warrant or any senior debt instrument—

19 (i) 65 percent shall be transferred or
20 credited to the Housing Trust Fund estab-
21 lished under section 1338 of the Federal
22 Housing Enterprises Financial Safety and
23 Soundness Act of 1992 (12 U.S.C. 4568);
24 and

1 (ii) 35 percent shall be transferred or
2 credited to the Capital Magnet Fund under
3 section 1339 of the Federal Housing En-
4 terprises Financial Safety and Soundness
5 Act of 1992 (12 U.S.C. 4569).

6 (4) CONVERSION.—The warrant shall provide
7 that if, after the warrant is received by the Sec-
8 retary under this section, the company that issued
9 the warrant is no longer listed or traded on a na-
10 tional securities exchange or securities association,
11 as described in subsection (b)(1), the Secretary will
12 have an option to convert the warrants to senior
13 debt to ensure that the Treasury is appropriately
14 compensated for the value of the warrant, in an
15 amount determined by the Secretary for the primary
16 benefit of taxpayers.

17 (5) PROTECTIONS.—Any warrant representing
18 securities to be received by the Secretary under this
19 section shall contain anti-dilution provisions of the
20 type employed in capital market transactions, as de-
21 termined by the Secretary for the primary benefit of
22 taxpayers. Such provisions shall protect the value of
23 the securities from market transactions such as
24 stock splits, stock distributions, dividends, and other

1 distributions, mergers, and other forms of reorga-
2 nization or recapitalization.

3 (6) EXERCISE PRICE.—The exercise price for
4 any warrant issued pursuant to this section shall be
5 set by the Secretary, for the primary benefit of tax-
6 payers.

7 (7) SUFFICIENCY.—The company shall guar-
8 antee to the Secretary that it has authorized shares
9 of stock available to fulfill its obligations under this
10 section. Should the company not have sufficient au-
11 thorized shares, including preferred shares that may
12 carry dividend rights equal to a multiple number of
13 common shares, the Secretary may, to the extent
14 necessary for the primary benefit of taxpayers, ac-
15 cept a senior debt note in an amount, and on such
16 terms as will compensate the Secretary with equiva-
17 lent value, in the event that a sufficient shareholder
18 vote to authorize the necessary additional shares
19 cannot be obtained.

20 (d) EXCEPTIONS.—The Secretary may establish an
21 exception to the requirements of this section and appro-
22 priate alternative requirements for any participating com-
23 pany that is legally prohibited from issuing securities and
24 debt instruments, so as not to allow circumvention of the
25 requirements of this section.

1 (e) PROHIBITIONS OF FOREIGN COMPANIES.—

2 (1) IN GENERAL.—The Secretary may not pur-
3 chase, or make any commitment to purchase, or
4 guarantee, or make any commitment to guarantee,
5 any asset in response to the coronavirus disease
6 (COVID–19) outbreak from—

7 (A) any foreign incorporated entity that
8 the Secretary has determined is an inverted do-
9 mestic corporation or any subsidiary of such en-
10 tity; or

11 (B) any joint venture if more than 10 per-
12 cent of the joint venture (by vote or value) is
13 held by a foreign incorporated entity that the
14 Secretary has determined is an inverted domes-
15 tic corporation or any subsidiary of such entity.

16 (2) INVERTED DOMESTIC CORPORATION.—

17 (A) IN GENERAL.—For purposes of this
18 subsection, a foreign incorporated entity shall
19 be treated as an inverted domestic corporation
20 if, pursuant to a plan (or a series of related
21 transactions)—

22 (i) the entity completes on or after
23 May 8, 2014, the direct or indirect acquisi-
24 tion of—

1 (I) substantially all of the prop-
2 erties held directly or indirectly by a
3 domestic corporation; or

4 (II) substantially all of the assets
5 of, or substantially all of the prop-
6 erties constituting a trade or business
7 of, a domestic partnership; and

8 (ii) after the acquisition, either—

9 (I) more than 50 percent of the
10 stock (by vote or value) of the entity
11 is held—

12 (aa) in the case of an acqui-
13 sition with respect to a domestic
14 corporation, by former share-
15 holders of the domestic corpora-
16 tion by reason of holding stock in
17 the domestic corporation; or

18 (bb) in the case of an acqui-
19 sition with respect to a domestic
20 partnership, by former partners
21 of the domestic partnership by
22 reason of holding a capital or
23 profits interest in the domestic
24 partnership; or

1 (II) the management and control
2 of the expanded affiliated group which
3 includes the entity occurs, directly or
4 indirectly, primarily within the United
5 States, as determined pursuant to
6 regulations prescribed by the Sec-
7 retary, and such expanded affiliated
8 group has significant domestic busi-
9 ness activities.

10 (B) EXCEPTION FOR CORPORATIONS WITH
11 SUBSTANTIAL BUSINESS ACTIVITIES IN FOR-
12 EIGN COUNTRY OF ORGANIZATION.—

13 (i) IN GENERAL.—A foreign incor-
14 porated entity described in subparagraph
15 (A) shall not be treated as an inverted do-
16 mestic corporation if after the acquisition
17 the expanded affiliated group which in-
18 cludes the entity has substantial business
19 activities in the foreign country in which or
20 under the law of which the entity is cre-
21 ated or organized when compared to the
22 total business activities of such expanded
23 affiliated group.

24 (ii) SUBSTANTIAL BUSINESS ACTIVI-
25 TIES.—The Secretary shall establish regu-

1 lations for determining whether an affili-
2 ated group has substantial business activi-
3 ties for purposes of clause (i), except that
4 such regulations may not treat any group
5 as having substantial business activities if
6 such group would not be considered to
7 have substantial business activities under
8 the regulations prescribed under section
9 7874 of the Internal Revenue Code of
10 1986, as in effect on January 18, 2017.

11 (C) SIGNIFICANT DOMESTIC BUSINESS AC-
12 TIVITIES.—

13 (i) IN GENERAL.—For purposes of
14 subparagraph (A)(ii)(II), an expanded af-
15 filiated group has significant domestic
16 business activities if at least 25 percent
17 of—

18 (I) the employees of the group
19 are based in the United States;

20 (II) the employee compensation
21 incurred by the group is incurred with
22 respect to employees based in the
23 United States;

24 (III) the assets of the group are
25 located in the United States; or

1 (IV) the income of the group is
2 derived in the United States.

3 (ii) DETERMINATION.—Determina-
4 tions pursuant to clause (i) shall be made
5 in the same manner as such determina-
6 tions are made for purposes of determining
7 substantial business activities under regu-
8 lations referred to in subparagraph (B) as
9 in effect on January 18, 2017, but applied
10 by treating all references in such regula-
11 tions to “foreign country” and “relevant
12 foreign country” as references to “the
13 United States”. The Secretary may issue
14 regulations decreasing the threshold per-
15 cent in any of the tests under such regula-
16 tions for determining if business activities
17 constitute significant domestic business ac-
18 tivities for purposes of this subparagraph.

19 (3) WAIVER.—

20 (A) IN GENERAL.—The Secretary may
21 waive paragraph (1) if the Secretary determines
22 that the waiver is—

23 (i) required in the interest of national
24 security; or

1 (ii) necessary for the efficient or effec-
2 tive administration of Federal or federally
3 funded—

4 (I) programs that provide health
5 benefits to individuals; or

6 (II) public health programs.

7 (B) REPORT TO CONGRESS.—The Sec-
8 retary shall, not later than 14 days after
9 issuing such waiver, submit a written notifica-
10 tion of the waiver to the relevant authorizing
11 committees of Congress and the Committees on
12 Appropriations of the Senate and the House of
13 Representatives.

14 (4) DEFINITIONS AND SPECIAL RULES.—

15 (A) DEFINITIONS.—In this subsection, the
16 terms “expanded affiliated group”, “foreign in-
17 corporated entity”, “domestic”, and “foreign”
18 have the meaning given those terms in section
19 835(c) of the Homeland Security Act of 2002
20 (6 U.S.C. 395(c)).

21 (B) SPECIAL RULES.—In applying para-
22 graph (2) of this subsection for purposes of
23 paragraph (1) of this subsection, the rules de-
24 scribed under 835(c)(1) of the Homeland Secu-

1 rity Act of 2002 (6 U.S.C. 395(c)(1)) shall
2 apply.

3 (5) REGULATIONS REGARDING MANAGEMENT
4 AND CONTROL.—

5 (A) IN GENERAL.—The Secretary shall, for
6 purposes of this subsection, prescribe regula-
7 tions for purposes of determining cases in which
8 the management and control of an expanded af-
9 filiated group is to be treated as occurring, di-
10 rectly or indirectly, primarily within the United
11 States. The regulations prescribed under the
12 preceding sentence shall apply to periods after
13 May 8, 2014.

14 (B) EXECUTIVE OFFICERS AND SENIOR
15 MANAGEMENT.—The regulations prescribed
16 under subparagraph (A) shall provide that the
17 management and control of an expanded affili-
18 ated group shall be treated as occurring, di-
19 rectly or indirectly, primarily within the United
20 States if substantially all of the executive offi-
21 cers and senior management of the expanded
22 affiliated group who exercise day-to-day respon-
23 sibility for making decisions involving strategic,
24 financial, and operational policies of the ex-
25 panded affiliated group are based or primarily

1 located within the United States. Individuals
2 who in fact exercise such day-to-day responsibil-
3 ities shall be treated as executive officers and
4 senior management regardless of their title.

5 (f) PREEMPTION.—Any State or Federal laws that
6 prohibit the transactions authorized by this statute, in-
7 cluding state or federal laws that prohibit company direc-
8 tors from agreeing to the transactions authorized by this
9 statute, are preempted and superseded by this statute.

10 **SEC. 409. AUTHORIZATION TO PARTICIPATE IN THE NEW**
11 **ARRANGEMENTS TO BORROW OF THE INTER-**
12 **NATIONAL MONETARY FUND.**

13 Section 17 of the Bretton Woods Agreements Act (22
14 U.S.C. 286e-2) is amended—

15 (1) in subsection (a)—

16 (A) by redesignating paragraphs (3)
17 through (5) as paragraphs (4) through (6) and
18 inserting after paragraph (2) the following:

19 “(3) In order to carry out the purposes of a
20 one-time decision of the Executive Directors of the
21 International Monetary Fund (the Fund) to expand
22 the resources of the New Arrangements to Borrow,
23 established pursuant to the decision of January 27,
24 1997 referred to in paragraph (1) above, the Sec-
25 retary of the Treasury is authorized to make loans,

1 in an amount not to exceed the dollar equivalent of
2 28,202,470,000 of Special Drawing Rights, in addi-
3 tion to any amounts previously authorized under this
4 section; except that prior to activation of the New
5 Arrangements to Borrow, the Secretary shall report
6 to Congress on whether supplementary resources are
7 needed to forestall or cope with an impairment of
8 the international monetary system and whether the
9 Fund has fully explored other means of funding to
10 the Fund.”; and

11 (B) in paragraph (6) (as so redesignated
12 by subparagraph (A) of this paragraph), by
13 striking “December 16, 2022” and inserting
14 “December 31, 2025”; and

15 (2) in subsection (e)(1), by inserting “(a)(3),”
16 after “(a)(2),”.

17 **SEC. 410. EMERGENCY RELIEF THROUGH LOANS AND LOAN**
18 **GUARANTEES.**

19 (a) IN GENERAL.—Notwithstanding any other provi-
20 sion of law, to provide liquidity to eligible businesses re-
21 lated to losses incurred as a direct result of coronavirus,
22 the Secretary is authorized to make or guarantee loans
23 to eligible businesses, including women-owned, minority-
24 owned, veteran-owned and rural businesses, that do not,
25 in the aggregate, exceed **【\$150,000,000,000】** and provide

1 the subsidy amounts necessary for such loans and loan
2 guarantees in accordance with the provisions of the Fed-
3 eral Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

4 (c) LOANS AND LOAN GUARANTEES.—

5 (1) IN GENERAL.—The Secretary shall review
6 and decide on applications for loans and loan guar-
7 antees under this section and may enter into agree-
8 ments to make or guarantee loans to one or more
9 obligors if the Secretary determines, in the Sec-
10 retary's discretion, that—

11 (A) the obligor is a eligible business for
12 which credit is not reasonably available at the
13 time of the transaction;

14 (B) the intended obligation by the obligor
15 is prudently incurred; and

16 (C) the loan is sufficiently secured.

17 (2) TERMS AND LIMITATIONS.—

18 (A) FORMS; TERMS AND CONDITIONS.—

19 Subject to section 407 of this division, a loan
20 or loan guarantee shall be issued under this
21 section in such form and on such terms and
22 conditions and contain such covenants, rep-
23 resentatives, warranties, and requirements (in-
24 cluding requirements for audits) as the Sec-
25 retary determines appropriate. Any loans made

1 by the Secretary under this section shall be at
2 a rate not less than a rate determined by the
3 Secretary taking into consideration the current
4 average yield on outstanding marketable obliga-
5 tions of the United States of comparable matu-
6 rity.

7 (B) PROCEDURES.—As soon as prac-
8 ticable, but in no case later than 10 days after
9 the date of enactment of this Act, the Secretary
10 shall publish procedures for application and
11 minimum requirements, which may be supple-
12 mented by the Secretary in the Secretary's dis-
13 cretion, for the making of loans and loan guar-
14 antees under this section.

15 (d) FINANCIAL PROTECTION OF GOVERNMENT.—

16 (1) IN GENERAL.—To the extent feasible and
17 practicable, the Secretary shall ensure that the Fed-
18 eral Government is compensated for the risk as-
19 sumed in making loans and loan guarantees under
20 this section.

21 (2) GOVERNMENT PARTICIPATION IN GAINS.—If
22 an eligible business receives a loan or loan guarantee
23 from the Federal Government under this section, the
24 Secretary is authorized to enter into contracts under
25 which the Federal Government, contingent on the fi-

1 nancial success of the eligible business, would par-
2 ticipate in the gains of the eligible business or its se-
3 curity holders through the use of such instruments
4 as warrants, stock options, common or preferred
5 stock, or other appropriate equity instruments.

6 (e) DEPOSIT OF PROCEEDS.—Amounts collected by
7 the Secretary under this section, including the proceeds
8 of investments, earnings, and interest collected, shall be
9 deposited in the Treasury as miscellaneous receipts.

10 (f) ADMINISTRATIVE EXPENSES.—Notwithstanding
11 any other provision of law, the Secretary may use
12 \$100,000,000 of the funds made available under this sec-
13 tion to pay costs and administrative expenses associated
14 with the provision of direct loans or guarantees authorized
15 under this section.

16 (g) CONFORMING AMENDMENT.—Section 5302(a)(1)
17 of title 31, United States Code, is amended—

18 (1) by striking “and” before “section 3”; and

19 (2) by inserting “Financial Protections and As-
20 sistance for America’s Consumers, States, Busi-
21 nesses, and Vulnerable Populations Act,” before
22 “and for investing”.

1 **SEC. 411. LIMITATION ON CERTAIN EMPLOYEE COMPENSA-**
2 **TION.**

3 (a) IN GENERAL.—The Secretary may only enter into
4 a loan or loan agreement under section 410(a) with an
5 eligible business after the eligible business enters into a
6 legally binding agreement with the Secretary that, during
7 the period beginning March 1, 2020, and ending March
8 1, 2022 or the termination of the loan or loan agreement
9 under section 410(a), which is later, no officer or employee
10 of the eligible business—

11 (1) will receive from the eligible business total
12 compensation which exceeds \$425,000, during any
13 12 consecutive months of such period; and

14 (2) will receive from the eligible business sever-
15 ance pay or other benefits upon termination of em-
16 ployment with the eligible business which exceeds
17 twice the compensation described in paragraph (1).

18 (b) TOTAL COMPENSATION DEFINED.—In this sec-
19 tion, the term “total compensation” includes salary, bo-
20 nuses, awards of stock, and other financial benefits pro-
21 vided by an eligible business to an officer or employee of
22 the eligible business.

23 **SEC. 412. INTERNATIONAL FINANCE CORPORATION.**

24 The International Finance Corporation Act (22
25 U.S.C. 282 et seq.) is amended by adding at the end the
26 following:

1 **“SEC. 18. CAPITAL INCREASES AND AMENDMENT TO THE**
2 **ARTICLES OF AGREEMENT.**

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

5 “(1) a resolution to increase the authorized cap-
6 ital stock of the Corporation by 16,999,998 shares,
7 to implement the conversion of a portion of the re-
8 tained earnings of the Corporation into paid-in cap-
9 ital, which will result in the United States being
10 issued an additional 3,771,899 shares of capital
11 stock, without any cash contribution;

12 “(2) a resolution to increase the authorized cap-
13 ital stock of the Corporation on a general basis by
14 4,579,995 shares; and

15 “(3) a resolution to increase the authorized cap-
16 ital stock of the Corporation on a selective basis by
17 919,998 shares.

18 “(b) AMENDMENT OF THE ARTICLES OF AGREE-
19 MENT.—The United States Governor of the Corporation
20 is authorized to agree to and accept an amendment to Ar-
21 ticle II, Section 2(c)(ii) of the Articles of Agreement of
22 the Corporation that would increase the vote by which the
23 Board of Governors of the Corporation may increase the
24 capital stock of the Corporation from a four-fifths major-
25 ity to an 85 percent majority.”.

1 **SEC. 413. OVERSIGHT AND REPORTS.**

2 (a) OVERSIGHT.—

3 (1) SIGTARP.—As provided for under section
4 405 of this division, the Special Inspector General
5 for the Troubled Asset Relief Program (SIGTARP)
6 shall have oversight of the Secretary's administra-
7 tion of the loans and loan guarantees provided under
8 section 410, the use of the funds by eligible busi-
9 nesses, and compliance with the requirements of sec-
10 tion 407.

11 (2) OVERSIGHT PANEL.—As provided for under
12 section 405 of this division, the Congressional
13 COVID–19 Aid Oversight Panel shall have oversight
14 of the Secretary's administration of the loans and
15 loan guarantees provided under section 410, the use
16 of the funds by eligible businesses, and compliance
17 with the requirements of section 407.

18 (b) SECRETARY.—The Secretary shall, with respect
19 to the loans and loan guarantees provided under section
20 410, make such reports as are required under section
21 5302 of title 31, United States Code.

22 (c) GOVERNMENT ACCOUNTABILITY OFFICE.—

23 (1) STUDY.—The Comptroller General of the
24 United States shall conduct a study on the loans
25 and loan guarantees provided under section 410.

1 (2) REPORT.—Not later than 9 months after
2 the date of enactment of this Act, and annually
3 thereafter through the year succeeding the last year
4 for which loans or loan guarantees provided under
5 section 410 are in effect, the Comptroller General
6 shall submit to the Committee on Financial Services,
7 the Committee on Appropriations, and the Com-
8 mittee on the Budget of the House of Representa-
9 tives and the Committee on Banking, Housing, and
10 Urban Affairs, the Committee on Appropriations,
11 and the Committee on the Budget of the Senate a
12 report on the loans and loan guarantees provided
13 under section 410.

14 (d) DIVERSITY REPORT.—The Congressional
15 COVID–19 Aid Oversight Panel, in conjunction with the
16 SIGTARP, shall collect diversity data from any corpora-
17 tion that receives Federal aid related to COVID–19, and
18 issue a report that will be made publicly available no later
19 than one year after the disbursement of funds. In addition
20 to any other data, the report shall include the following:

21 (1) EMPLOYEE DEMOGRAPHICS.—The gender,
22 race, and ethnic identity (and to the extent possible,
23 results disaggregated by ethnic group) of the cor-
24 poration’s employees, as otherwise known or pro-
25 vided voluntarily for the total number of employees

1 (full- and part-time) and the career level of employ-
2 ees (executive and manager versus employees in
3 other roles).

4 (2) SUPPLIER DIVERSITY.—The number and
5 dollar value invested with minority- and women-
6 owned suppliers (and to the extent possible, results
7 disaggregated by ethnic group), including profes-
8 sional services (legal and consulting) and asset man-
9 agers, and deposits and other accounts with minority
10 depository institutions, as compared to all vendor in-
11 vestments.

12 (3) PAY EQUITY.—A comparison of pay
13 amongst racial and ethnic minorities (and to the ex-
14 tent possible, results disaggregated by ethnic group)
15 as compared to their white counterparts and com-
16 parison of pay between men and women for similar
17 roles and assignments.

18 (4) CORPORATE BOARD DIVERSITY.—Corporate
19 board demographic data, including total number of
20 board members, gender, race and ethnic identity of
21 board members (and to the extent possible, results
22 disaggregated by ethnic group), as otherwise known
23 or provided voluntarily, board position titles, as well
24 as any leadership and subcommittee assignments.

1 (5) DIVERSITY AND INCLUSION OFFICES.—The
2 reporting structure of lead diversity officials, number
3 of staff and budget dedicated to diversity and inclu-
4 sion initiatives.

5 (e) DIVERSITY AND INCLUSION INITIATIVES.—Any
6 corporation that receives Federal aid related to COVID–
7 19 must maintain officials and budget dedicated to diver-
8 sity and inclusion initiatives for no less than 5 years after
9 disbursement of funds.

10 **SEC. 414. DEFINITIONS.**

11 In this title:

12 (1) COVERED LOSS.—The term “covered loss”
13 includes losses, direct or incremental, incurred as a
14 result of COVID–19, as determined by the Sec-
15 retary.

16 (2) ELIGIBLE BUSINESS.—The term “eligible
17 business” means a United States business that has
18 incurred covered losses such that the continued oper-
19 ations of the business are jeopardized, as determined
20 by the Secretary, and that has not otherwise applied
21 for or received economic relief in the form of loans
22 or loan guarantees provided under any other provi-
23 sion of this Act.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Treasury, or the designee of the
3 Secretary of the Treasury.

4 **SEC. 415. RULE OF CONSTRUCTION.**

5 Nothing in this title shall be construed to allow the
6 Secretary to provide relief to eligible businesses except in
7 the form of secured loans and loan guarantees as provided
8 in this title and under terms and conditions that are in
9 the interest of the Federal Government.

10 **TITLE V—INVESTING IN A**
11 **SUSTAINABLE RECOVERY**

12 **SEC. 501. IMPROVING CORPORATE GOVERNANCE**
13 **THROUGH DIVERSITY.**

14 (a) PURPOSE.—The purpose of this section, and the
15 amendment made by this section, is to create account-
16 ability to ensure that corporate boards reflect the diversity
17 and perspectives of the communities and consumers im-
18 pacted by the hardships due to the coronavirus disease
19 (COVID–19) outbreak and future major disasters.

20 (b) SUBMISSION OF DATA RELATING TO DIVERSITY
21 BY ISSUERS.—

22 (1) IN GENERAL.—Section 13 of the Securities
23 Exchange Act of 1934 (15 U.S.C. 78m) is amended
24 by adding at the end the following:

1 “(s) SUBMISSION OF DATA RELATING TO DIVER-
2 SITY.—

3 “(1) DEFINITIONS.—In this subsection—

4 “(A) the term ‘executive officer’ has the
5 meaning given the term in section 230.501(f) of
6 title 17, Code of Federal Regulations, as in ef-
7 fect on the date of enactment of this subsection;
8 and

9 “(B) the term ‘veteran’ has the meaning
10 given the term in section 101 of title 38, United
11 States Code.

12 “(2) SUBMISSION OF DISCLOSURE.—Each
13 issuer required to file an annual report under sub-
14 section (a) shall disclose in any proxy statement and
15 any information statement relating to the election of
16 directors filed with the Commission the following:

17 “(A) Data, based on voluntary self-identi-
18 fication, on the racial, ethnic, and gender com-
19 position of—

20 “(i) the board of directors of the
21 issuer;

22 “(ii) nominees for the board of direc-
23 tors of the issuer; and

24 “(iii) the executive officers of the
25 issuer.

1 “(B) The status of any member of the
2 board of directors of the issuer, any nominee
3 for the board of directors of the issuer, or any
4 executive officer of the issuer, based on vol-
5 untary self-identification, as a veteran.

6 “(C) Whether the board of directors of the
7 issuer, or any committee of that board of direc-
8 tors, has, as of the date on which the issuer
9 makes a disclosure under this paragraph,
10 adopted any policy, plan, or strategy to promote
11 racial, ethnic, and gender diversity among—

12 “(i) the board of directors of the
13 issuer;

14 “(ii) nominees for the board of direc-
15 tors of the issuer; or

16 “(iii) the executive officers of the
17 issuer.

18 “(3) ALTERNATIVE SUBMISSION.—In any 1-
19 year period in which an issuer required to file an an-
20 nual report under subsection (a) does not file with
21 the Commission a proxy statement relating to the
22 election of directors or an information statement, the
23 issuer shall disclose the information required under
24 paragraph (2) in the first annual report of issuer

1 that the issuer submits to the Commission after the
2 end of that 1-year period.

3 “(4) ANNUAL REPORT.—Not later than 18
4 months after the date of the enactment of this sub-
5 section, and annually thereafter, the Commission
6 shall submit to the Committee on Financial Services
7 of the House of Representatives and to the Com-
8 mittee on Banking, Housing, and Urban Affairs of
9 the Senate and publish on the website of the Com-
10 mission a report that analyzes the information dis-
11 closed pursuant to paragraphs (1), (2), and (3) and
12 identifies any trends in such information.

13 “(5) BEST PRACTICES.—

14 “(A) IN GENERAL.—The Director of the
15 Office of Minority and Women Inclusion of the
16 Commission shall, not later than the end of the
17 3-year period beginning on the date of the en-
18 actment of this subsection and every three
19 years thereafter, publish best practices for com-
20 pliance with this subsection.

21 “(B) COMMENTS.—The Director of the Of-
22 fice of Minority and Women Inclusion of the
23 Commission may, pursuant to subchapter II of
24 chapter 5 of title 5, United States Code, solicit

1 public comments related to the best practices
2 published under subparagraph (A).”.

3 (2) RULEMAKING.—

4 (A) IN GENERAL.—The Securities and Ex-
5 change Commission shall issue rules to carry
6 out the amendment made by paragraph (1)
7 within the 6-month period beginning on the end
8 of the COVID–19 emergency period.

9 (B) COVID–19 EMERGENCY PERIOD DE-
10 FINED.—In this subsection, the term “COVID–
11 19 emergency period” means the period that
12 begins upon the date of the enactment of this
13 Act and ends upon the date of the termination
14 by the Federal Emergency Management Admin-
15 istration of the emergency declared on March
16 13, 2020, by the President under the Robert T.
17 Stafford Disaster Relief and Emergency Assist-
18 ance Act (42 U.S.C. 4121 et seq.) relating to
19 the Coronavirus Disease 2019 (COVID–19)
20 pandemic.

21 (c) DIVERSITY ADVISORY GROUP.—

22 (1) ESTABLISHMENT.—The Securities and Ex-
23 change Commission shall establish a Diversity Advi-
24 sory Group (the “Advisory Group”), which shall be

1 composed of representatives from the government,
2 academia, and the private sector.

3 (2) STUDY AND RECOMMENDATIONS.—The Ad-
4 visory Group shall—

5 (A) carry out a study that identifies strate-
6 gies that can be used to increase gender, racial,
7 and ethnic diversity among members of boards
8 of directors of issuers; and

9 (B) not later than 9 months after the es-
10 tablishment of the Advisory Group, submit a re-
11 port to the Commission, the Committee on Fi-
12 nancial Services of the House of Representa-
13 tives, and the Committee on Banking, Housing,
14 and Urban Affairs of the Senate that—

15 (i) describes any findings from the
16 study conducted pursuant to subparagraph
17 (A); and

18 (ii) makes recommendations of strate-
19 gies that issuers could use to increase gen-
20 der, racial, and ethnic diversity among
21 board members.

22 (3) ANNUAL REPORT.—Not later than 1 year
23 following the submission of a report pursuant to
24 paragraph (2), and annually thereafter, the Commis-
25 sion shall submit a report to the Committee on Fi-

1 nancial Services of the House of Representatives and
2 the Committee on Banking, Housing, and Urban Af-
3 fairs of the Senate that describes the status of gen-
4 der, racial, and ethnic diversity among members of
5 the board of directors of issuers.

6 (4) PUBLIC AVAILABILITY OF REPORTS.—The
7 Commission shall make all reports of the Advisory
8 Group available to issuers and the public, including
9 on the website of the Commission.

10 (5) DEFINITIONS.—For the purposes of this
11 subsection:

12 (A) ISSUER.—The term “issuer” has the
13 meaning given the term in section 3 of the Se-
14 curities Exchange Act of 1934.

15 (B) COMMISSION.—The term “Commis-
16 sion” means the Securities and Exchange Com-
17 mission.

18 **SEC. 502. DIVERSE INVESTMENT ADVISERS.**

19 (a) FINDINGS.—The Congress finds the following:

20 (1) Diverse individual-owned and controlled
21 firms continue to face obstacles, such as discrimina-
22 tion and other related barriers, when competing for
23 investment adviser services opportunities, including
24 Federal opportunities.

1 (2) The Government Accountability Office
2 found in September 2017 that asset management
3 firms (also known as firms providing investment ad-
4 viser services) registered in the United States man-
5 age more than \$70,000,000,000,000 of assets and
6 that minority- and women-owned asset management
7 firms manage less than 1 percent of such assets.

8 (3) Conscious efforts to facilitate diverse and
9 inclusive firm selection for investment advisers serv-
10 ices opportunities are required to overcome obstacles
11 facing diverse individual-owned and controlled firms,
12 especially as women- and minority-owned businesses
13 across the financial services sector struggle to re-
14 cover from the impacts of the coronavirus disease
15 (COVID–19) outbreak and future major disasters.

16 (4) Despite evidence that women and minority-
17 owned firms perform as well as and sometimes out-
18 perform their industry counterparts, they are not
19 consistently selected to manage institutional assets.
20 Although women and minority-owned firms account
21 for approximately 8.6 percent of the asset manage-
22 ment industry, recent reports show that they only
23 manage 1.1 percent of all assets under management
24 or \$785 billion out of \$71.4 trillion, and are under-
25 represented as managers in every asset class.

1 (b) INVESTMENT ADVISER CONTRACTING BY PER-
2 SONS REGISTERED WITH THE SECURITIES AND EX-
3 CHANGE COMMISSION.—The Securities Exchange Act of
4 1934 (15 U.S.C. 78a et seq.) is amended by inserting after
5 section 15G the following:

6 **“SEC. 15H. INVESTMENT ADVISER CONTRACTING REQUIRE-**
7 **MENTS.**

8 “(a) REQUIRED FOR REGISTRATION.—No broker,
9 dealer, investment adviser, investment company, or self-
10 regulatory organization may be registered with the Com-
11 mission unless such person—

12 “(1) does not contract for the services of an in-
13 vestment adviser for externally managed funds; or

14 “(2) in contracting for the services of an invest-
15 ment adviser for externally managed funds after the
16 date of the enactment of this section, has in place
17 procedures that require the person, before con-
18 tracting for such services—

19 “(A) to publish, unless prohibited by law
20 or regulation, a request for proposal for such
21 services; and

22 “(B) if one or more diverse individual
23 owned and controlled firms submits a proposal
24 to provide such services that satisfies the cri-
25 teria set forth in the request for proposal, to in-

1 vite at least one such diverse individual-owned
2 and controlled firm to present their proposal, or
3 certify to the Commission that no diverse indi-
4 vidual-owned and controlled firms submitted a
5 proposal, unless such invitation is prohibited by
6 other law or regulation.

7 “(b) REPORTS.—

8 “(1) PERSONS CONTRACTING FOR THE SERV-
9 ICES OF INVESTMENT ADVISERS FOR EXTERNALLY
10 MANAGED FUNDS.—Each broker, dealer, investment
11 adviser, investment company, and self-regulatory or-
12 ganization who contracts for the services of an in-
13 vestment adviser for externally managed funds and
14 who is registered with the Commission shall, each
15 fiscal year of such person, submit to the Office of
16 Minority and Women Inclusion of the Commission a
17 report that identifies, for the previous fiscal year—

18 “(A) the percentage of services of invest-
19 ment advisers for externally managed funds the
20 person contracted for that were provided by a
21 diverse individual-owned and controlled firm;

22 “(B) the dollar value of any contracts with
23 diverse-individual owned and controlled firms
24 providing the services of investment advisers for
25 externally managed funds as a percentage of

1 the dollar value of all contracts with all firms
2 providing the services of investment advisers for
3 externally managed funds;

4 “(C) the efforts made by the person to
5 communicate opportunities for investment ad-
6 viser services for externally managed funds to
7 diverse-individual owned and controlled firms
8 providing the services of investment advisers for
9 externally managed funds;

10 “(D) the number of diverse-individual
11 owned and controlled firms that were consid-
12 ered by the person to provide the services of in-
13 vestment advisers for externally managed funds
14 and, with respect to each such firm, the race
15 and gender of the owners of such firm; and

16 “(E) for any investment adviser for exter-
17 nally managed funds services contract oppor-
18 tunity in which a diverse-individual owned and
19 controlled firm was not considered, a descrip-
20 tion of why a diverse-individual owned and con-
21 trolled firm was not considered.

22 “(2) INCLUSION OF REPORT INFORMATION ON
23 FORM ADV.—Any person who is required to file a re-
24 port under paragraph (1) shall, in any Form ADV
25 filed by, or required to be filed by such person, in-

1 include all information required to be filed in the re-
2 port under paragraph (1) in such Form ADV filing.

3 “(3) ANNUAL REPORT BY THE OFFICE OF MI-
4 NORITY AND WOMEN INCLUSION.—The Director of
5 the Office of Minority and Women Inclusion of the
6 Commission shall issue an annual report to the
7 Commission and the Congress on the use of diverse
8 individual-owned and controlled firms offering in-
9 vestment advising services for externally managed
10 funds, including a summary of reports received
11 under paragraph (1) and under section 13B(b).

12 “(4) COMMISSION REPORT TO CONGRESS.—The
13 Commission shall issue a report every 5 years to the
14 Congress on the steps taken by the Commission to
15 implement this section and section 13B.

16 “(c) EXCEPTION.—This section shall not apply to—

17 “(1) a contract described in section 15 of the
18 Investment Company Act of 1940, except for an ini-
19 tial contract—

20 “(A) pursuant to which a person serves or
21 acts as an unaffiliated sub-adviser to a reg-
22 istered investment company; and

23 “(B) which is exempt from the shareholder
24 approval requirement of section 15 in reliance
25 on an order or rule of the Commission; or

1 “(2) a diverse individual-owned and controlled
2 firm with assets under \$100,000,000.

3 “(d) DEFINITIONS.—For the purposes of this section:

4 “(1) AFFILIATED PERSON.—The term ‘affili-
5 ated person’ has the meaning given that term under
6 section 2(a) of the Investment Company Act of
7 1940.

8 “(2) DIVERSE INDIVIDUAL-OWNED AND CON-
9 TROLLED FIRM.—The term ‘diverse individual-owned
10 and controlled firm’ means a firm—

11 “(A) which is at least 51 percent owned by
12 one or more individuals who are women, minori-
13 ties, or veterans; or

14 “(B) whose management and daily busi-
15 ness operations are—

16 “(i) in the case of a firm the shares
17 of which are traded on a national securities
18 exchange, controlled by a board with a ma-
19 jority of members who are women, minori-
20 ties, or veterans; and

21 “(ii) in the case of any other firm, at
22 least 51 percent controlled by one or more
23 individuals who are women, minorities, or
24 veterans.

1 “(3) INVESTMENT ADVISER.—The term ‘invest-
2 ment adviser’ has the meaning given the term in sec-
3 tion 202(a)(11) of the Investment Advisers Act of
4 1940.

5 “(4) MINORITY.—The term ‘minority’ has the
6 meaning given the term in section 308(b) of the Fi-
7 nancial Institutions Reform, Recovery, and Enforce-
8 ment Act of 1989 and also includes any indigenous
9 person in the United States or its territories.

10 “(5) UNAFFILIATED SUB-ADVISER TO A REG-
11 ISTERED INVESTMENT COMPANY.—With respect to a
12 registered investment company, the term ‘unaffili-
13 ated sub-adviser to a registered investment company’
14 means a person described under section 2(a)(20)(B)
15 of the Investment Company Act of 1940 that is not
16 an affiliated person of a person described under sec-
17 tion 2(a)(20)(A) of the Investment Company Act of
18 1940.

19 “(6) VETERAN.—The term ‘veteran’ has the
20 meaning given the term in section 101 of title 38,
21 United States Code.”.

22 (c) INVESTMENT ADVISER CONTRACTING BY PER-
23 SONS REGISTERING SECURITIES.—The Securities Ex-
24 change Act of 1934 is amended by inserting after section
25 13A the following:

1 **“SEC. 13B. INVESTMENT ADVISER CONTRACTING REQUIRE-**
2 **MENTS.**

3 “(a) IN GENERAL.—Any issuer required to file an an-
4 nual report under section 13 shall, when contracting for
5 the services of an investment adviser for externally man-
6 age funds—

7 “(1) publish, unless prohibited by law or regula-
8 tion, a request for proposal for such services; and

9 “(2) if one or more diverse individual owned
10 and controlled firms submits a proposal to provide
11 such services that satisfies the criteria set forth in
12 the request for proposal, invite at least one such di-
13 verse individual-owned and controlled firm to present
14 their proposal, or certify to the Commission that no
15 diverse individual-owned and controlled firms sub-
16 mitted a proposal, unless such invitation is prohib-
17 ited by other law or regulation.

18 “(b) REPORT.—Any issuer required to file an annual
19 report under section 13 who contracts for the services of
20 an investment adviser for externally managed funds shall,
21 each fiscal year of such issuer, submit to the Office of
22 Minority and Women Inclusion of the Commission a re-
23 port that identifies, for the previous fiscal year—

24 “(1) the percentage of services of investment
25 advisers for externally managed funds the issuer

1 contracted for that were provided by a diverse indi-
2 vidual-owned and controlled firm;

3 “(2) the dollar value of any contracts with di-
4 verse-individual owned and controlled firms pro-
5 viding the services of investment advisers for exter-
6 nally managed funds as a percentage of the dollar
7 value of all contracts with all firms providing the
8 services of investment advisers for externally man-
9 aged funds;

10 “(3) the efforts made by the issuer to commu-
11 nicate investment adviser services for externally
12 managed funds contract opportunities to diverse-in-
13 dividual owned and controlled firms providing the
14 services of investment advisers for externally man-
15 aged funds;

16 “(4) the number of diverse-individual owned
17 and controlled firms that were considered by the
18 issuer to provide the services of investment advisers
19 for externally managed funds and, with respect to
20 each such firm, the race and gender of the owners
21 of such firm; and

22 “(5) for any investment adviser services for ex-
23 ternally managed funds contract opportunity in
24 which a diverse-individual owned and controlled firm
25 was not considered, a description of why a diverse-

1 individual owned and controlled firm was not consid-
2 ered.

3 “(c) EXCEPTION.—This section shall not apply to—

4 “(1) a contract described in section 15 of the
5 Investment Company Act of 1940, except for an ini-
6 tial contract—

7 “(A) pursuant to which a person serves or
8 acts as an unaffiliated sub-adviser to a reg-
9 istered investment company; and

10 “(B) which is exempt from the shareholder
11 approval requirement of section 15 in reliance
12 on an order or rule of the Commission; or

13 “(2) a diverse individual-owned and controlled
14 firm with assets under \$100,000,000.

15 “(d) DEFINITIONS.—In this section, the terms, ‘af-
16 filiated person’, ‘diverse individual-owned and controlled
17 firm’, ‘investment adviser’, ‘minority’, ‘unaffiliated sub-ad-
18 viser to a registered investment company’, and ‘veteran’
19 have the meaning given such terms in section 15H(d).”.

20 (d) EFFECTIVE DATE.—The amendments made by
21 section shall take effect after the end of the 180-day pe-
22 riod beginning on the date of the termination by the Fed-
23 eral Emergency Management Administration of the emer-
24 gency declared on March 13, 2020, by the President under
25 the Robert T. Stafford Disaster Relief and Emergency As-

1 sistance Act (42 U.S.C. 4121 et seq.) relating to the
2 Coronavirus Disease 2019 (COVID–19) pandemic.

3 **SEC. 503. FINANCIAL LITERACY EDUCATION COMMISSION**
4 **EMERGENCY RESPONSE.**

5 (a) PURPOSE.—The purpose of this section is to pro-
6 vide financial literacy education, including information on
7 access to banking services and other financial products,
8 for individuals seeking information and resources as they
9 recover from any financial distress caused by the
10 coronavirus disease (COVID–19) outbreak and future
11 major disasters.

12 (b) FINANCIAL LITERACY AND EDUCATION COMMIS-
13 SION RESPONSE TO THE COVID–19 EMERGENCY.—

14 (1) SPECIAL MEETING.—Not later than the end
15 of the 60-day period beginning on the date of enact-
16 ment of this section, the Financial Literacy and
17 Education Commission (the “Commission”) shall
18 convene a special meeting to discuss and plan assist-
19 ance related to the financial impacts of the COVID–
20 19 emergency.

21 (2) UPDATE OF THE COMMISSION’S WEBSITE.—

22 (A) IN GENERAL.—Not later than the end
23 of the 60-day period beginning on the date of
24 enactment of this section, the Commission shall
25 update the website of the Commission with a

1 full list of tools to help individuals recover from
2 any financial hardship as a result of the
3 COVID–19 emergency.

4 (B) SPECIFIC REQUIREMENTS.—In per-
5 forming the update required under subpara-
6 graph (A), the Commission shall—

7 (i) place special emphasis on providing
8 an additional set of tools geared towards
9 women, racial and ethnic minorities, vet-
10 erans, disabled, and LGBTQ+ commu-
11 nities; and

12 (ii) provide information in English
13 and Spanish.

14 (C) INFORMATION FROM MEMBERS.—Not
15 later than the end of the 60-day period begin-
16 ning on the date of enactment of this section,
17 each Federal department or agency that is a
18 member of the Commission shall provide an up-
19 date on the website of the Commission dis-
20 closing any tools that the department or agency
21 is offering to individuals or to employees of the
22 department or agency related to the COVID–19
23 emergency.

24 (3) IMPLEMENTATION REPORT TO CONGRESS.—

25 The Secretary of the Treasury and the Director of

1 the Bureau of Consumer Financial Protection shall,
2 jointly and not later than the end of the 30-day pe-
3 riod following the date on which the meeting re-
4 quired under paragraph (1) is held and all updates
5 required under paragraph (2) have been completed,
6 report to Congress on the implementation of this
7 section.

8 (4) COVID–19 EMERGENCY DEFINED.—In this
9 subsection, the term “COVID–19 emergency” means
10 the emergency declared on March 13, 2020, by the
11 President under the Robert T. Stafford Disaster Re-
12 lief and Emergency Assistance Act (42 U.S.C. 4121
13 et seq.) relating to the Coronavirus Disease 2019
14 (COVID–19) pandemic.

15 **SEC. 504. INTERAGENCY PANDEMIC GUIDANCE FOR CON-**
16 **SUMERS.**

17 (a) INTERAGENCY PANDEMIC GUIDANCE.—

18 (1) GUIDANCE.—Not later than the end of the
19 60-day period beginning on the date of enactment of
20 this section, the Federal financial regulators shall
21 issue interagency regulatory guidance on prepared-
22 ness, flexibility, and relief options for consumers in
23 pandemics and major disasters, such as deferment,
24 forbearance, affordable payment plan options, and

1 other options such as delays on debt collections and
2 wage garnishments.

3 (2) UPDATES.—The Federal financial regu-
4 lators shall update the guidance required under
5 paragraph (1) as necessary to keep such guidance
6 current.

7 (b) PANDEMIC PREPAREDNESS TESTING.—

8 (1) IN GENERAL.—Not later than the end of
9 the 2-year period beginning on the date of enact-
10 ment of this section, and every 5 years thereafter,
11 the Federal financial regulators shall carry out test-
12 ing along with the institutions regulated by the Fed-
13 eral financial regulators to determine how effectively
14 such institutions will be able to respond to a pan-
15 demic or major disaster.

16 (2) REPORT.—After the end of each test re-
17 quired under paragraph (1), the Federal financial
18 regulators shall, jointly, issue a report to Congress
19 containing the results of such test and any regu-
20 latory or legislative recommendations the regulators
21 may have to increase pandemic preparedness.

22 (c) DEFINITIONS.—In this section:

23 (1) FEDERAL FINANCIAL REGULATORS.—The
24 term “Federal financial regulators” means the
25 Board of Governors of the Federal Reserve System,

1 the Bureau of Consumer Financial Protection, the
2 Comptroller of the Currency, the Director of the
3 Federal Housing Finance Agency, the Federal De-
4 posit Insurance Corporation, the National Credit
5 Union Administration, the Secretary of Agriculture,
6 and the Secretary of Housing and Urban Develop-
7 ment.

8 (2) MAJOR DISASTER.—The term “major dis-
9 aster” means a major disaster declared by the Presi-
10 dent under section 401 of the Robert T. Stafford
11 Disaster Relief and Emergency Assistance Act (42
12 U.S.C. 5170), under which assistance is authorized
13 under section 408 of such Act (42 U.S.C. 5174), or
14 section 501 of such Act (42 U.S.C. 5191).

15 **SEC. 505. SEC PANDEMIC GUIDANCE FOR INVESTORS.**

16 (a) PANDEMIC GUIDANCE.—

17 (1) GUIDANCE.—Not later than the end of the
18 60-day period beginning on the date of enactment of
19 this section, the Securities and Exchange Commis-
20 sion shall issue regulatory guidance on preparedness,
21 flexibility, relief, and investor protection for inves-
22 tors in pandemics and major disasters, including rel-
23 evant disclosures.

1 (2) UPDATES.—The Commission shall update
2 the guidance required under paragraph (1) as nec-
3 essary to keep such guidance current.

4 (b) PANDEMIC PREPAREDNESS TESTING.—

5 (1) IN GENERAL.—Not later than the end of
6 the 60-day period beginning on the date of enact-
7 ment of this Act, and every 5 years thereafter, the
8 Securities and Exchange Commission shall carry out
9 testing along with the entities regulated by the Com-
10 mission to determine how effectively such entities
11 will be able to respond to a pandemic or major dis-
12 aster.

13 (2) REPORT.—After the end of each test re-
14 quired under paragraph (1), the Commission shall
15 issue a report to Congress containing the results of
16 such test and any regulatory or legislative rec-
17 ommendations the Commission may have to increase
18 pandemic preparedness.

19 (c) MAJOR DISASTER DEFINED.—In this section, the
20 term “major disaster” means a major disaster declared
21 by the President under section 401 of the Robert T. Staf-
22 ford Disaster Relief and Emergency Assistance Act (42
23 U.S.C. 5170), under which assistance is authorized
24 under section 408 of such Act (42 U.S.C. 5174), or sec-
25 tion 501 of such Act (42 U.S.C. 5191).

1 **SEC. 506. UPDATES OF THE PANDEMIC INFLUENZA PLAN**
2 **AND NATIONAL PLANNING FRAMEWORKS.**

3 (a) IN GENERAL.—Not later than one year following
4 the end of the Declaration of the National Emergency, the
5 President shall ensure that the Pandemic Influenza Plan
6 (2017 Update) and the National Planning Frameworks
7 are updated. The Secretary of the Treasury, in consulta-
8 tion with the Federal financial regulators, shall provide
9 to the President the following:

10 (1) An assessment of the effectiveness of cur-
11 rent plans and strategies to address the economic, fi-
12 nancial, and monetary issues arising from a pan-
13 demic or other disaster.

14 (2) A description of the most significant chal-
15 lenges to protecting the economy, the financial sys-
16 tem, and consumers, during a pandemic or other
17 disaster, including the specific challenges experi-
18 enced by women, racial and ethnic minorities, di-
19 verse-owned businesses, veterans, and the disabled.

20 (3) Actions that could be carried out in a crisis,
21 as defined by the preparedness plans described in
22 subsection (a), such as the following:

23 (A) Significant increases of unemployment
24 insurance benefits (including payment amounts)
25 for all workers under a certain income thresh-

1 old, including freelancers and the self-employed,
2 during the crisis.

3 (B) Loan deference, modification, and for-
4 bearance mechanisms of all consumer and busi-
5 ness payments, allowing long-term repayment
6 plans and excluding no industries, during the
7 crisis.

8 (C) Suspension of foreclosure and eviction
9 proceedings taken against individuals or busi-
10 nesses during the crisis.

11 (D) Suspension of all negative consumer
12 credit reporting during the crisis.

13 (E) Prohibition of debt collection, reposses-
14 sion, and garnishment of wages during the cri-
15 sis.

16 (F) Provision of emergency homeless as-
17 sistance during the crisis.

18 (G) An increase in Community Develop-
19 ment Block Grants during the crisis and to im-
20 prove community response.

21 (H) Reduction of hurdles in the form of
22 waivers and authorities to modify existing hous-
23 ing and homelessness programs to facilitate re-
24 sponse to the crisis.

1 (I) Expand the size standards for eligible
2 businesses with access no-interest or low-inter-
3 est loans through the Small Business Adminis-
4 tration during the crisis.

5 (J) Remove the size standard limits on eli-
6 gible businesses with access no-interest or low-
7 interest loans through the Small Business Ad-
8 ministration during the crisis for businesses
9 that agree to maintain their employment work-
10 force and preserve benefits during the crisis.

11 (K) Support for additional no-interest or
12 low-interest loans for small businesses through
13 the Small Business Administration during the
14 crisis.

15 (L) Utilization of the Community Develop-
16 ment Financial Institutions (CDFI) Fund to
17 support small businesses as well as low-income
18 communities during the crisis.

19 (M) Support for State, territory, and local
20 government financing during the crisis.

21 (N) Waiver of matching requirements for
22 municipal governments during the crisis.

23 (O) Suspension of requirements relating to
24 minimum distributions for retirement plans and

1 individual retirement accounts for the calendar
2 years of which the crisis is occurring.

3 (b) SPECIAL CONSIDERATION FOR DIVERSITY.—In
4 issuing the updates required under subsection (a), the
5 President shall ensure that consideration is given as to
6 how to minimize the economic impacts of a crisis on
7 women, minorities, diverse-owned businesses, veterans,
8 and the disabled.

9 (c) MAKING PLANS PUBLIC.—The updated plans de-
10 scribed in subsection (a) shall be made publicly available,
11 but may have classified information redacted.

12 (d) DEFINITIONS.—In this section:

13 (1) DECLARATION OF THE NATIONAL EMER-
14 GENCY.—The term “Declaration of the National
15 Emergency” means the emergency declared by the
16 President under section 501 of the Robert T. Staf-
17 ford Disaster Relief and Emergency Assistance Act
18 (42 U.S.C. 5191) relating to the COVID–19 pan-
19 demic.

20 (2) FEDERAL FINANCIAL REGULATOR.—The
21 term “Federal financial regulators” means the Bu-
22 reau of Consumer Financial Protection, the Federal
23 Deposit Insurance Corporation, the Federal Housing
24 Finance Agency, the Board of Governors of the Fed-
25 eral Reserve System, the Office of the Comptroller

1 of the Currency, the National Credit Union Adminis-
2 tration, and the Securities and Exchange Commis-
3 sion.

4 **DIVISION J—EDUCATION RELIEF**
5 **AND OTHER PROGRAMS**
6 **TITLE I—EDUCATION**
7 **PROVISIONS**

8 **SEC. 100101. SHORT TITLE.**

9 This title may be cited as the “COVID–19 Pandemic
10 Education Relief Act of 2020”.

11 **SEC. 100102. DEFINITIONS.**

12 In this title:

13 (1) **CORONAVIRUS.**—The term “coronavirus”
14 has the meaning given that term in section 506 of
15 the Coronavirus Preparedness and Response Supple-
16 mental Appropriations Act, 2020 (Public Law 116–
17 123).

18 (2) **INSTITUTION OF HIGHER EDUCATION.**—The
19 term “institution of higher education” has the
20 meaning given that term in section 102 of the High-
21 er Education Act of 1965 (20 U.S.C. 1002).

22 (3) **QUALIFYING EMERGENCY.**—The term
23 “qualifying emergency” means—

24 (A) a public health emergency related to
25 the coronavirus declared by the Secretary of

1 Health and Human Services pursuant to sec-
2 tion 319 of the Public Health Service Act (42
3 U.S.C. 247d);

4 (B) an event related to the coronavirus for
5 which the President declared a major disaster
6 or an emergency under section 401 or 501, re-
7 spectively, of the Robert T. Stafford Disaster
8 Relief and Emergency Assistance Act (42
9 U.S.C. 5170 and 5191); or

10 (C) a national emergency related to the
11 coronavirus declared by the President under
12 section 201 of the National Emergencies Act
13 (50 U.S.C. 1601 et seq.).

14 (4) SECRETARY.—The term “Secretary” means
15 the Secretary of Education.

16 (5) FOREIGN INSTITUTION.—The term “foreign
17 institution” means an institution of higher education
18 located outside the United States that is described
19 in paragraphs (1)(C) and (2) of section 102(a) of
20 the Higher Education Act of 1965 (20 U.S.C.
21 1002(a)).

22 **SEC. 100103. CAMPUS-BASED AID WAIVERS.**

23 (a) WAIVER OF NON-FEDERAL SHARE REQUIRE-
24 MENT.—Notwithstanding sections 413C(a)(2) and
25 443(b)(5) of the Higher Education Act of 1965 (20

1 U.S.C. 1070b–2(a)(2) and 1087–53(b)(5)), with respect
2 to funds made available for award years 2019–2020 and
3 2020–2021, the Secretary shall waive the requirement
4 that a participating institution of higher education provide
5 a non-Federal share to match Federal funds provided to
6 the institution for the programs authorized pursuant to
7 subpart 3 of part A and part C of title IV of the Higher
8 Education Act of 1965 (20 U.S.C. 1070b et seq. and
9 1087–51 et seq.), except nothing in this subsection shall
10 affect the non-Federal share requirement under section
11 443(c)(3) of such Act that applies to private for-profit or-
12 ganizations.

13 (b) **AUTHORITY TO REALLOCATE.**—Notwithstanding
14 sections 413D, 442, and 488 of the Higher Education Act
15 of 1965 (20 U.S.C. 1070b–3, 1087–52, and 1095), during
16 a period of a qualifying emergency, an institution may
17 transfer up to 100 percent of the institution’s unexpended
18 allotment under section 442 of such Act to the institu-
19 tion’s allotment under section 413D of such Act, but may
20 not transfer any funds from the institution’s unexpended
21 allotment under section 413D of such Act to the institu-
22 tion’s allotment under section 442 of such Act.

1 **SEC. 100104. USE OF SUPPLEMENTAL EDUCATIONAL OP-**
2 **PORTUNITY GRANTS FOR EMERGENCY AID.**

3 (a) IN GENERAL.—Notwithstanding section 413B of
4 the Higher Education Act of 1965 (20 U.S.C. 1070b–1),
5 an institution of higher education may reserve any amount
6 of an institution’s allocation under subpart 3 of part A
7 of title IV of the Higher Education Act of 1965 (20 U.S.C.
8 1070b et seq.) for a fiscal year to award, in such fiscal
9 year, emergency financial aid grants to assist under-
10 graduate or graduate students for unexpected expenses
11 and unmet financial need as the result of a qualifying
12 emergency.

13 (b) DETERMINATIONS.—In determining eligibility for
14 and awarding emergency financial aid grants under this
15 section, an institution of higher education may—

16 (1) waive the amount of need calculation under
17 section 471 of the Higher Education Act of 1965
18 (20 U.S.C. 1087kk);

19 (2) allow for a student affected by a qualifying
20 emergency to receive funds in an amount that is not
21 more than the maximum Federal Pell Grant for the
22 applicable award year; and

23 (3) utilize a contract with a scholarship-grant-
24 ing organization designated for the sole purpose of
25 accepting applications from or disbursing funds to
26 students enrolled in the institution of higher edu-

1 cation, if such scholarship-granting organization dis-
2 burses the full allocated amount provided to the in-
3 stitution of higher education to the recipients.

4 (c) SPECIAL RULE.—Any emergency financial aid
5 grants to students under this section shall not be treated
6 as other financial assistance for the purposes of section
7 471 of the Higher Education Act of 1965 (20 U.S.C.
8 1087kk).

9 **SEC. 100105. FEDERAL WORK-STUDY DURING A QUALIFYING**
10 **EMERGENCY.**

11 (a) IN GENERAL.—In the event of a qualifying emer-
12 gency, an institution of higher education participating in
13 the program under part C of title IV of the Higher Edu-
14 cation Act of 1965 (20 U.S.C. 1087–51 et seq.) may make
15 payments under such part to affected work-study stu-
16 dents, for the period of time (not to exceed one academic
17 year) in which affected students were unable to fulfill the
18 students' work-study obligation for all or part of such aca-
19 demic year due to such qualifying emergency, as follows:

20 (1) Payments may be made under such part to
21 affected work-study students in an amount equal to
22 or less than the amount of wages such students
23 would have been paid under such part had the stu-
24 dents been able to complete the work obligation nec-

1 essary to receive work study funds, as a one time
2 grant or as multiple payments.

3 (2) Payments shall not be made to any student
4 who was not eligible for work study or was not com-
5 pleting the work obligation necessary to receive work
6 study funds under such part prior to the occurrence
7 of the qualifying emergency.

8 (3) Any payments made to affected work-study
9 students under this subsection shall meet the match-
10 ing requirements of section 443 of the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1087–53), unless
12 such matching requirements are waived by the Sec-
13 retary.

14 (b) DEFINITION OF AFFECTED WORK-STUDY STU-
15 DENT.—In this section, the term “affected work-study
16 student” means a student enrolled at an eligible institu-
17 tion participating in the program under part C of title IV
18 of the Higher Education Act of 1965 (20 U.S.C. 1087–
19 51 et seq.) who—

20 (1) received a work-study award under section
21 443 of the Higher Education Act of 1965 (20
22 U.S.C. 1087–53) for the academic year during which
23 a qualifying emergency occurred;

24 (2) earned Federal work-study wages from such
25 eligible institution for such academic year; and

1 (3) was prevented from fulfilling the student's
2 work-study obligation for all or part of such aca-
3 demic year due to such qualifying emergency.

4 **SEC. 100106. ADJUSTMENT OF SUBSIDIZED LOAN USAGE**
5 **LIMITS.**

6 Notwithstanding section 455(q)(3) of the Higher
7 Education Act of 1965 (20 U.S.C. 1087e(q)(3)), the Sec-
8 retary shall exclude from a student's period of enrollment
9 for purposes of loans made under part D of title IV of
10 the Higher Education Act of 1965 (20 U.S.C. 1087a et
11 seq.) any semester (or the equivalent) that the student
12 does not complete due to a qualifying emergency, if the
13 Secretary is able to administer such policy in a manner
14 that limits complexity and the burden on the student.

15 **SEC. 100107. EXCLUSION FROM FEDERAL PELL GRANT DU-**
16 **RATION LIMIT.**

17 The Secretary shall exclude from a student's Federal
18 Pell Grant duration limit under section 401(c)(5) of the
19 Higher Education Act of 1965 (2 U.S.C. 1070a(c)(5)) any
20 semester (or the equivalent) that the student does not
21 complete due to a qualifying emergency if the Secretary
22 is able to administer such policy in a manner that limits
23 complexity and the burden on the student.

1 **SEC. 100108. INSTITUTIONAL REFUNDS AND FEDERAL STU-**
2 **DENT LOAN FLEXIBILITY.**

3 (a) INSTITUTIONAL WAIVER.—

4 (1) IN GENERAL.—The Secretary shall waive
5 the institutional requirement under section 484B of
6 the Higher Education Act of 1965 (20 U.S.C.
7 1091b) with respect to the amount of grant or loan
8 assistance (other than assistance received under part
9 C of title IV of such Act) to be returned under such
10 section if a recipient of assistance under title IV of
11 the Higher Education Act of 1965 (20 U.S.C. 1070
12 et seq.) withdraws from the institution of higher
13 education during the payment period or period of
14 enrollment as a result of a qualifying emergency.

15 (2) WAIVERS.—The Secretary shall require
16 each institution using a waiver relating to the with-
17 drawal of recipients under this subsection to report
18 the number of such recipients, the amount of grant
19 or loan assistance (other than assistance received
20 under part C of title IV of such Act) associated with
21 each such recipient, and the total amount of grant
22 or loan assistance (other than assistance received
23 under part C of title IV of such Act) for which each
24 institution has not returned assistance under title IV
25 to the Secretary.

1 (b) STUDENT WAIVER.—The Secretary shall waive
2 the amounts that students are required to return under
3 section 484B of the Higher Education Act of 1965 (20
4 U.S.C. 1091b) with respect to Federal Pell Grants or
5 other grant assistance if the withdrawals on which the re-
6 turns are based are withdrawals by students who withdrew
7 from the institution of higher education as a result of a
8 qualifying emergency.

9 (c) CANCELING LOAN OBLIGATION.—Notwith-
10 standing any other provision of the Higher Education Act
11 of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall can-
12 cel the borrower's obligation to repay the entire portion
13 of a loan made under part D of title IV of such Act (20
14 U.S.C. 1087a et seq.) associated with a payment period
15 for a recipient of such loan who withdraws from the insti-
16 tution of higher education during the payment period as
17 a result of a qualifying emergency.

18 (d) APPROVED LEAVE OF ABSENCE.—Notwith-
19 standing any other provision of the Higher Education Act
20 of 1965 (20 U.S.C. 1001 et seq.), for purposes of receiving
21 assistance under title IV of the Higher Education Act of
22 1965 (20 U.S.C. 1070 et seq.), an institution of higher
23 education may, as a result of a qualifying emergency, pro-
24 vide a student with an approved leave of absence that does
25 not require the student to return at the same point in the

1 academic program that the student began the leave of ab-
2 sence if the student returns within the same semester (or
3 the equivalent).

4 **SEC. 100109. SATISFACTORY ACADEMIC PROGRESS.**

5 Notwithstanding section 484 of the Higher Education
6 Act of 1965 (20 U.S.C. 1091), in determining whether a
7 student is maintaining satisfactory academic progress for
8 purposes of title IV of the Higher Education Act of 1965
9 (20 U.S.C. 1070 et seq.), an institution of higher edu-
10 cation may, as a result of a qualifying emergency, exclude
11 from the quantitative component of the calculation any at-
12 tempted credits that were not completed by such student
13 without requiring an appeal by such student.

14 **SEC. 100110. CONTINUING EDUCATION AT AFFECTED FOR-**
15 **EIGN INSTITUTIONS.**

16 (a) IN GENERAL.—Notwithstanding section 481(b)
17 of the Higher Education Act of 1965 (20 U.S.C. 1088(b)),
18 with respect to a foreign institution, in the case of a public
19 health emergency, major disaster or emergency, or na-
20 tional emergency declared by the applicable government
21 authorities in the country in which the foreign institution
22 is located, the Secretary may permit any part of an other-
23 wise eligible program to be offered via distance education
24 for the duration of such emergency or disaster and the

1 following payment period for purposes of title IV of the
2 Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

3 (b) ELIGIBILITY.—An otherwise eligible program
4 that is offered in whole or in part through distance edu-
5 cation by a foreign institution between March 1, 2020, and
6 the date of enactment of this Act shall be deemed eligible
7 for the purposes of part D of title IV of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1087a et seq.) for the dura-
9 tion of the emergency or disaster affecting the institution
10 as described in subsection (a) and the following payment
11 period for purposes of title IV of the Higher Education
12 Act of 1965 (20 U.S.C. 1070 et seq.). An institution of
13 higher education that uses the authority provided in the
14 previous sentence shall report such use to the Secretary—

15 (1) for the 2019–2020 award year, not later
16 than June 30, 2020; and

17 (2) for an award year subsequent to the 2019–
18 2020 award year, not later than 30 days after such
19 use.

20 (c) REPORT.—Not later than 180 days after the date
21 of enactment of this Act, and every 180 days thereafter
22 for the duration of the applicable disaster or emergency
23 and the following payment period, the Secretary shall sub-
24 mit to the authorizing committees (as defined in section
25 103 of the Higher Education Act of 1965 (20 U.S.C.

1 1003)) a report that identifies each foreign institution
2 that carried out a distance education program authorized
3 under this section.

4 (d) WRITTEN ARRANGEMENTS.—

5 (1) IN GENERAL.—Notwithstanding section 102
6 of the Higher Education Act of 1965 (20 U.S.C.
7 1002), with respect to a foreign institution, in the
8 case of a public health emergency, major disaster or
9 emergency, or national emergency declared by the
10 applicable government authorities in the country in
11 which the foreign institution is located, the Sec-
12 retary may allow a foreign institution to enter into
13 a written arrangement with an institution of higher
14 education located in the United States that partici-
15 pates in the Federal Direct Loan Program under
16 part D of title IV of the Higher Education Act of
17 1965 (20 U.S.C. 1087a et seq.), for the duration of
18 such emergency or disaster and the following pay-
19 ment period, for the purpose of allowing a student
20 of the foreign institution who is a borrower of a loan
21 made under such part to take courses from the insti-
22 tution of higher education located in the United
23 States.

24 (2) FORM OF ARRANGEMENTS.—

1 (A) PUBLIC OR OTHER NONPROFIT INSTI-
2 TUTIONS.—A foreign institution that is a public
3 or other nonprofit institution may enter into a
4 written arrangement under paragraph (1) only
5 with an institution of higher education de-
6 scribed in section 101 of such Act (20 U.S.C.
7 1001).

8 (B) OTHER INSTITUTIONS.—A foreign in-
9 stitution that is a graduate medical school,
10 nursing school, or a veterinary school and that
11 is not a public or other nonprofit institution
12 may enter into a written arrangement under
13 paragraph (1) with an institution of higher edu-
14 cation described in section 101 or section 102
15 of such Act (20 U.S.C. 1001 and 1002).

16 (3) REPORT ON USE.—An institution of higher
17 education that uses the authority described in para-
18 graph (2) shall report such use to the Secretary—

19 (A) for the 2019–2020 award year, not
20 later than June 30, 2020; and

21 (B) for an award year subsequent to the
22 2019–2020 award year, not later than 30 days
23 after such use.

24 (4) REPORT FROM THE SECRETARY.—Not later
25 than 180 days after the date of enactment of this

1 Act, and every 180 days thereafter for the duration
2 of the applicable disaster or emergency and the fol-
3 lowing payment period, the Secretary shall submit to
4 the authorizing committees (as defined in section
5 103 of the Higher Education Act of 1965 (20
6 U.S.C. 1003)) a report that identifies each foreign
7 institution that entered into a written arrangement
8 authorized under paragraph (1).

9 **SEC. 100111. HBCU CAPITAL FINANCING.**

10 (a) DEFERMENT PERIOD.—

11 (1) IN GENERAL.—Notwithstanding any provi-
12 sion of title III of the Higher Education Act of 1965
13 (20 U.S.C. 1051 et seq.), or any regulation promul-
14 gated under such title, the Secretary may grant a
15 deferment, for the duration of a qualifying emer-
16 gency, to an institution of higher education that has
17 received a loan under part D of title III of such Act
18 (20 U.S.C. 1066 et seq.).

19 (2) TERMS.—During the deferment period
20 granted under this subsection—

21 (A) the institution of higher education
22 shall not be required to pay any periodic install-
23 ment of principal or interest required under the
24 loan agreement for such loan; and

1 (B) the Secretary shall make principal and
2 interest payments otherwise due under the loan
3 agreement.

4 (3) CLOSING.—At the closing of a loan deferred
5 under this subsection, terms shall be set under
6 which the institution of higher education shall be re-
7 quired to repay the Secretary for the payments of
8 principal and interest made by the Secretary during
9 the deferment, on a schedule that begins upon re-
10 payment to the lender in full on the loan agreement,
11 except in no case shall repayment be required to
12 begin before the date that is 1 full fiscal year after
13 the date that is the end of the qualifying emergency.

14 (b) TERMINATION DATE.—

15 (1) IN GENERAL.—The authority provided
16 under this section to grant a loan deferment under
17 subsection (a) shall terminate on the date on which
18 the qualifying emergency is no longer in effect.

19 (2) DURATION.—Any provision of a loan agree-
20 ment or insurance agreement modified by the au-
21 thority under this section shall remain so modified
22 for the duration of the period covered by the loan
23 agreement or insurance agreement.

24 (c) REPORT.—Not later than 180 days after the date
25 of enactment of this Act, and every 180 days thereafter

1 during the period beginning on the first day of the quali-
2 fying emergency and ending on September 30 of the fiscal
3 year following the end of the qualifying emergency, the
4 Secretary shall submit to the authorizing committees (as
5 defined in section 103 of the Higher Education Act of
6 1965 (20 U.S.C. 1003)) a report that identifies each insti-
7 tution of higher education that received assistance under
8 this section.

9 **SEC. 100112. WAIVER AUTHORITY AND REPORTING RE-**
10 **QUIREMENT FOR INSTITUTIONAL AID.**

11 (a) **WAIVER AUTHORITY.**—Notwithstanding any
12 other provision of the Higher Education Act of 1965
13 (U.S.C. 1001 et seq.), unless enacted with specific ref-
14 erence to this section, for any institution of higher edu-
15 cation that was receiving assistance under title III, title
16 V, or subpart 4 of part A of title VII of such Act (20
17 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) at the
18 time of a qualifying emergency, the Secretary may, for the
19 period beginning on the first day of the qualifying emer-
20 gency and ending on September 30 of the fiscal year fol-
21 lowing the end of the qualifying emergency—

22 (1) waive—

23 (A) the eligibility data requirements set
24 forth in section 391(d) and 521(e) of the High-

1 er Education Act of 1965 (20 U.S.C. 1068(d)
2 and 1103(e));

3 (B) the wait-out period set forth in section
4 313(d) of the Higher Education Act of 1965
5 (20 U.S.C. 1059(d));

6 (C) the allotment requirements under
7 paragraphs (2) and (3) of subsection 318(e) of
8 the Higher Education Act of 1965 (20 U.S.C.
9 1059e(e)), and references to “the academic year
10 preceding the beginning of that fiscal year” in
11 paragraph (1);

12 (D) the allotment requirements under sub-
13 sections (b), (c), and (g) of section 324 of the
14 Higher Education Act of 1965 (20 U.S.C.
15 1063), and references to “the end of the school
16 year preceding the beginning of that fiscal
17 year” under subsection (a) and references to
18 “the academic year preceding such fiscal year”
19 under subsection (h) of such section;

20 (E) subparagraphs (A), (C), (D), and (E)
21 of section 326(f)(3) of the Higher Education
22 Act of 1965 (20 U.S.C. 1063b(f)(3)), and ref-
23 erences to “previous year” under subparagraph
24 (B) of such section;

1 (F) subparagraphs (A), (C), (D), and (E)
2 of section 723(f)(3) and section 724(f)(3) of the
3 Higher Education Act of 1965 (20 U.S.C.
4 1136a(f)(3) and 1136b(f)(3)), and references to
5 “previous academic year” under subparagraph
6 (B) of such sections; and

7 (G) the allotment restriction set forth in
8 section 318(d)(4) and 323(c)(2) of the Higher
9 Education Act of 1965 (20 U.S.C. 1059e(d)(4)
10 and 1062(e)(2)); and

11 (2) waive or modify any statutory or regulatory
12 provision to ensure that institutions that were re-
13 ceiving assistance under such titles at the time of a
14 qualifying emergency are not adversely affected by
15 any formula calculation for fiscal year 2020 and for
16 the period beginning on the first day of the quali-
17 fying emergency and ending on September 30 of the
18 fiscal year following the end of the qualifying emer-
19 gency, as necessary.

20 (b) USE OF UNEXPENDED FUNDS.—Any funds paid
21 to an institution under title III, title V, or subpart 4 of
22 part A of title VII of the Higher Education Act of 1965
23 (20 U.S.C. 1051 et seq.; 1101 et seq.) and not expended
24 or used for the purposes for which the funds were paid
25 to the institution during the 5-year period following the

1 date on which the funds were first paid to the institution,
2 may be carried over and expended during the succeeding
3 5-year period.

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 period beginning on the first day of the qualifying
7 emergency and ending on September 30 of the fiscal year
8 following the end of the qualifying emergency, the Sec-
9 retary shall submit to the authorizing committees (as de-
10 fined in section 103 of the Higher Education Act of 1965
11 (20 U.S.C. 1003)) a report that identifies each institution
12 that received a waiver or modification under this section.

13 **SEC. 100113. AUTHORIZED USES AND OTHER MODIFICA-**
14 **TIONS FOR GRANTS.**

15 (a) IN GENERAL.—The Secretary is authorized to
16 modify the required and allowable uses of funds for grants
17 awarded under part A or B of title III, chapters I or II
18 of subpart 2 of part A of title IV, title V, or subpart 4
19 of part A of title VII of the Higher Education Act of 1965
20 (20 U.S.C. 1057 et seq.; 1060 et seq.; 1070a–11 et seq.;
21 1070a–21 et seq.; 1101 et seq.; 1136a et seq.) to an insti-
22 tution of higher education or other grant recipient (not
23 including individual recipients of Federal student financial
24 assistance), at the request of an institution of higher edu-
25 cation or other recipient of a grant (not including indi-

1 vidual recipients of Federal student financial assistance)
2 as a result of a qualifying emergency, for the period begin-
3 ning on the first day of the qualifying emergency and end-
4 ing on September 30 of the fiscal year following the end
5 of the qualifying emergency.

6 (b) MATCHING REQUIREMENT MODIFICATIONS.—
7 Notwithstanding any other provision of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary
9 is authorized to modify any Federal share or other finan-
10 cial matching requirement for a grant awarded on a com-
11 petitive basis, or a grant awarded under part A or B of
12 title III or subpart 4 of part A of title VII of the Higher
13 Education Act of 1965 (20 U.S.C. 1057 et seq.; 1060 et
14 seq.; 1136a et seq.) at the request of an institution of
15 higher education or other grant recipient as a result of
16 a qualifying emergency, for the period beginning on the
17 first day of the qualifying emergency and ending on Sep-
18 tember 30 of the fiscal year following the end of the quali-
19 fying emergency.

20 (c) REPORTS.—Not later than 180 days after the
21 date of enactment of this Act, and every 180 days there-
22 after for the duration of the period beginning on the first
23 day of the qualifying emergency and ending on September
24 30 of the fiscal year following the end of the qualifying
25 emergency, the Secretary shall submit to the authorizing

1 committees (as defined in section 103 of the Higher Edu-
2 cation Act of 1965 (20 U.S.C. 1003)) a report that identi-
3 fies each institution of higher education or other grant re-
4 cipient that received a modification under this section.

5 **SEC. 100114. SERVICE OBLIGATIONS FOR TEACHERS.**

6 (a) **TEACH GRANTS.**—For the purposes of section
7 420N of the Higher Education Act of 1965 (20 U.S.C.
8 1070g–2), during a qualifying emergency, the Secretary—

9 (1) may modify the categories of extenuating
10 circumstances under which a recipient of a grant
11 under subpart 9 of part A of title IV of such Act
12 who is unable to fulfill all or part of the recipient’s
13 service obligation may be excused from fulfilling that
14 portion of the service obligation; and

15 (2) shall consider teaching service that, as a re-
16 sult of a qualifying emergency, is part-time or tem-
17 porarily interrupted to be full-time service and to
18 fulfill the service obligations under section 420N.

19 (b) **TEACHER LOAN FORGIVENESS.**—Notwith-
20 standing section 428J or 460 of the Higher Education Act
21 of 1965 (20 U.S.C. 1078–10; 1087j), the Secretary shall
22 waive the requirements under such sections that years of
23 teaching service shall be consecutive if—

1 (1) the teaching service of a borrower is tempo-
2 rarily interrupted due to a qualifying emergency;
3 and

4 (2) after the temporary interruption due to a
5 qualifying emergency, the borrower resumes teaching
6 service and completes a total of five years of quali-
7 fying teaching service under such sections, including
8 qualifying teaching service performed before, during,
9 and after such qualifying emergency.

10 **SEC. 100115. PAYMENTS FOR STUDENT LOAN BORROWERS**

11 **AS A RESULT OF A NATIONAL EMERGENCY.**

12 (a) PAYMENTS FOR STUDENT LOAN BORROWERS
13 DURING A NATIONAL EMERGENCY.—

14 (1) IN GENERAL.—Part G of title IV of the
15 Higher Education Act of 1965 (20 U.S.C. 1088 et
16 seq.) is amended by inserting after section 493D the
17 following:

18 **“SEC. 493E. PAYMENTS FOR STUDENT LOAN BORROWERS**

19 **DURING A NATIONAL EMERGENCY.**

20 “(a) DEFINITIONS.—In this section:

21 “(1) CORONAVIRUS.—The term ‘coronavirus’
22 has the meaning given the term in section 506 of the
23 Coronavirus Preparedness and Response Supple-
24 mental Appropriations Act, 2020 (Public Law 116–
25 123).

1 “(2) INCOME-DRIVEN REPAYMENT.—The term
2 ‘income-driven repayment’ means—

3 “(A) income-based repayment authorized
4 under section 493C for loans made, insured, or
5 guaranteed under part B or part D; or

6 “(B) income contingent repayment author-
7 ized under section 455(e) for loans made under
8 part D.

9 “(3) INVOLUNTARY COLLECTION.—The term
10 ‘involuntary collection’ means—

11 “(A) a wage garnishment authorized under
12 section 488A of this Act or section 3720D of
13 title 31, United States Code;

14 “(B) a reduction of tax refund by amount
15 of debt authorized under section 3720A of title
16 31, United States Code;

17 “(C) a reduction of any other Federal ben-
18 efit payment by administrative offset authorized
19 under section 3716 of title 31, United States
20 Code (including a benefit payment due to an in-
21 dividual under the Social Security Act or any
22 other provision described in subsection
23 (c)(3)(A)(i) of such section); and

24 “(D) any other involuntary collection activ-
25 ity.

1 “(4) NATIONAL EMERGENCY.—The term ‘na-
2 tional emergency’ means—

3 “(A) a public health emergency related to
4 the coronavirus that is declared by the Sec-
5 retary of Health and Human Services pursuant
6 to section 319 of the Public Health Service Act
7 (42 U.S.C. 247d); or

8 “(B) a national emergency related to the
9 coronavirus declared by the President under the
10 National Emergencies Act (50 U.S.C. 1601 et
11 seq.).

12 “(b) NATIONAL EMERGENCY STUDENT LOAN RE-
13 PAYMENT ASSISTANCE.—

14 “(1) AUTHORITY.—Beginning on the date of
15 enactment of the **【Take Responsibility for Workers
16 and Families Act】**, in the event of a national emer-
17 gency, the Secretary shall, for each month during
18 the national emergency period and for each borrower
19 of a loan made, insured, or guaranteed under part
20 B, D, or E, pay the total amount due for such
21 month on the loan, based on the payment plan se-
22 lected by the borrower or the borrower’s loan status.

23 “(2) NO CAPITALIZATION OF INTEREST.—With
24 respect to any loan in repayment during a national
25 emergency period, interest due on loans made, in-

1 sured, or guaranteed under part B, D, or E during
2 such period shall not be capitalized at any time dur-
3 ing the national emergency.

4 “(3) APPLICABILITY OF PAYMENTS.—Any pay-
5 ment made by the Secretary under this section shall
6 be considered by the Secretary, or by a lender with
7 respect to a loan made, insured, or guaranteed
8 under part B—

9 “(A) as a qualifying payment under the
10 public service loan forgiveness program under
11 section 455(m), if the borrower would otherwise
12 qualify under such section;

13 “(B) in the case of a borrower enrolled in
14 an income-driven repayment plan, as a quali-
15 fying payment for the purpose of calculating eli-
16 gibility for loan forgiveness for the borrower in
17 accordance with section 493C(b)(7) or section
18 455(d)(1)(D), as the case may be; and

19 “(C) in the case of a borrower in default,
20 as an on-time monthly payment for purposes of
21 loan rehabilitation pursuant to section 428F(a).

22 “(4) REPORTING TO CONSUMER REPORTING
23 AGENCIES.—During the period in which the Sec-
24 retary is making payments on a loan under para-
25 graph (1), the Secretary shall ensure that, for the

1 purpose of reporting information about the loan to
2 a consumer reporting agency, any payment made by
3 the Secretary is treated as if it were a regularly
4 scheduled payment made by a borrower.

5 “(5) NOTICE OF PAYMENTS AND PROGRAM.—
6 Not later than 15 days following the date of enact-
7 ment of the **Take Responsibility for Workers and**
8 **Families Act**], and monthly thereafter during the
9 period of a national emergency, the Secretary shall
10 provide a notice to all borrowers of loans made, in-
11 sured, or guaranteed under part B, D, or E—

12 “(A) informing borrowers of the actions
13 taken under this section;

14 “(B) providing borrowers with an easily
15 accessible method to opt out of the benefits pro-
16 vided under this section; and

17 “(C) notifying the borrower that the pro-
18 gram under this section is a temporary program
19 and will end after the national emergency ends.

20 “(6) SUSPENSION OF INVOLUNTARY COLLEC-
21 TION.—Beginning on the date of enactment of the
22 **Take Responsibility for Workers and Families**
23 **Act**], in the event of a national emergency, the Sec-
24 retary, or other holder of a loan made, insured, or
25 guaranteed under part B, D, or E, shall immediately

1 take action to halt all involuntary collection related
2 to the loan until the date on which the national
3 emergency ends.

4 “(c) WAIVER OF INTEREST DURING NATIONAL
5 EMERGENCY.—Notwithstanding any other provision of
6 law, the Secretary shall pay any interest that would other-
7 wise be charged or accrue during a national emergency
8 on any loan made, insured, or guaranteed under part B,
9 D, or E.

10 “(d) TRANSITION PERIOD.—Upon the termination of
11 a national emergency, the Secretary shall carry out a pro-
12 gram to provide for a transition period of 90 days, begin-
13 ning on the day after the last day of the national emer-
14 gency, during which—

15 “(1) the Secretary shall provide not less than 3
16 notices to borrowers indicating when the borrower’s
17 normal payment obligations will resume; and

18 “(2) any missed payments by a borrower under
19 part B, D, or E shall not—

20 “(A) result in fees or penalties; or

21 “(B) be reported to any consumer report-
22 ing agency or otherwise impact the borrower’s
23 credit history.

24 “(e) IMPLEMENTATION IN FFEL ENTITIES.—To fa-
25 cilitate implementation of this section—

1 “(1) lenders and guaranty agencies holding
2 loans made, insured, or guaranteed under part B
3 shall report, to the satisfaction of the Secretary, in-
4 formation to verify at the borrower level the amount
5 of payments made under this section; and

6 “(2) the Secretary shall have the authority to
7 establish a payment schedule for purposes of this
8 section for loans made, insured, or guaranteed under
9 part B and not held by the Secretary.

10 “(f) WAIVERS.—In carrying out this section, the Sec-
11 retary may waive the application of—

12 “(1) subchapter I of chapter 35 of title 44,
13 United States Code;

14 “(2) the master calendar requirements under
15 section 482;

16 “(3) negotiated rulemaking under section 492;
17 and

18 “(4) the requirement to publish the notices re-
19 lated to the system of records of the agency before
20 implementation required under paragraphs (4) and
21 (11) of section 552a(e) of title 5, United States
22 Code (commonly known as the ‘Privacy Act of
23 1974’), except that the notices shall be published not
24 later than 180 days after the date of enactment of

1 the **【Take Responsibility for Workers and Families**
2 **Act】.**”.]

3 (2) FFEL AMENDMENT.—Section 428(c)(8) of
4 the Higher Education Act of 1965 (20 U.S.C.
5 1078(c)(8)) is amended by striking “and for which”
6 and all that follows through “this subsection”.

7 (3) APPLICABILITY.—The requirement of the
8 Secretary to make payments under section 493E of
9 the Higher Education Act of 1965, as added by
10 paragraph 1, shall apply to payments due after the
11 date of enactment of this Act.

12 (b) MINIMUM RELIEF FOR STUDENT LOAN BOR-
13 ROWERS AS A RESULT OF A NATIONAL EMERGENCY.—
14 Part G of title IV the Higher Education Act of 1965 (20
15 U.S.C. 1088 et seq.), as amended by subsection (a), is
16 further amended by inserting after section 493E the fol-
17 lowing:

18 **“SEC. 493F. MINIMUM RELIEF FOR STUDENT LOAN BOR-**
19 **ROWERS AS A RESULT OF A NATIONAL EMER-**
20 **GENCY.**

21 “(a) MINIMUM STUDENT LOAN RELIEF AS A RESULT
22 OF A NATIONAL EMERGENCY.—Not later than 90 days
23 after the conclusion of a national emergency (as defined
24 in section 493E), the Secretary shall, for each borrower
25 of a loan made under part B, D, or E, reduce the total

1 outstanding balance due on all such loans of the borrower,
2 by an amount equal to the lesser of—

3 “(1) the difference between \$10,000 and the
4 total amount of payments made by the Secretary
5 under section 493E(b) on such loans of the borrower
6 during the period of such national emergency; or

7 “(2) the total amount of outstanding principal
8 and interest due on such loans of the borrower, as
9 of the date of the calculation under this subsection.

10 “(b) DATA TO IMPLEMENT.—Contractors of the Sec-
11 retary and lenders and guaranty agencies holding loans
12 made, insured, or guaranteed under part B shall report,
13 to the satisfaction of the Secretary, the information nec-
14 essary to calculate the amount to be applied under sub-
15 section (a).”.

16 **SEC. 100116. EXCLUSION FROM GROSS INCOME.**

17 (a) IN GENERAL.—Part III of subchapter B of chap-
18 ter 1 of the Internal Revenue Code of 1986 is amended
19 by inserting after section 139H the following new section:

20 **“SEC. 139I. STUDENT LOAN PAYMENTS RESULTING FROM A**
21 **NATIONAL EMERGENCY.**

22 “Gross income shall not include any payment made
23 on behalf of the taxpayer under section 493E(b)(1) or
24 493F of the Higher Education Act of 1965.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for part III of subchapter B of chapter 1 of the Internal
3 Revenue Code of 1986 is amended by inserting after the
4 item relating to section 139H the following new item:

“Sec. 139L. Student loan payments resulting from a national emergency.”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to taxable years beginning after
7 December 31, 2019.

8 **SEC. 100117. RULE OF CONSTRUCTION.**

9 Except as otherwise provided in this Act or the
10 amendments made by this Act, nothing in this Act shall
11 be construed to provide additional authority to the Sec-
12 retary of Education to waive any provision of the fol-
13 lowing:

14 (1) The Elementary and Secondary Education
15 Act of 1965 (20 U.S.C. 6301 et seq.).

16 (2) The Individuals with Disabilities Education
17 Act (20 U.S.C. 1400 et seq.).

18 (3) The Higher Education Act of 1965 (20
19 U.S.C. 1001 et seq.).

20 (4) The Carl D. Perkins Career and Technical
21 Education Act of 2006 (20 U.S.C. 2301 et seq.)

22 **TITLE II—OTHER PROGRAMS**

23 **SEC. 100201. PROVISIONS RELATED TO THE CORPORATION**
24 **FOR NATIONAL AND COMMUNITY SERVICE.**

25 (a) ACCRUAL OF SERVICE HOURS.—

1 (1) ACCRUAL THROUGH OTHER SERVICE
2 HOURS.—

3 (A) IN GENERAL.—Notwithstanding any
4 other provision of the Domestic Volunteer Serv-
5 ice Act of 1973 (42 U.S.C. 4950 et seq.) or the
6 National and Community Service Act of 1990
7 (42 U.S.C. 12501 et seq.), the Corporation for
8 National and Community Service shall allow an
9 individual described in subparagraph (B) to ac-
10 crue other service hours that will count toward
11 the number of hours needed for the individual’s
12 education award.

13 (B) AFFECTED INDIVIDUALS.—Subpara-
14 graph (A) shall apply to any individual serving
15 in a position eligible for an educational award
16 under subtitle D of title I of the National and
17 Community Service Act of 1990 (42 U.S.C.
18 12601 et seq.)—

19 (i) who is performing limited service
20 due to COVID–19; or

21 (ii) whose position has been suspended
22 or placed on hold due to COVID–19.

23 (2) PROVISIONS IN CASE OF EARLY EXIT.—In
24 any case where an individual serving in a position el-
25 ible for an educational award under subtitle D of

1 title I of the National and Community Service Act
2 of 1990 (42 U.S.C. 12601 et seq.) was required to
3 exit the position early at the direction of the Cor-
4 poration for National and Community Service, the
5 Chief Executive Officer of the Corporation for Na-
6 tional and Community Service may—

7 (A) deem such individual as having met
8 the requirements of the position; and

9 (B) award the individual the full value of
10 the educational award under such subtitle for
11 which the individual would otherwise have been
12 eligible.

13 (b) NO REQUIRED RETURN OF GRANT FUNDS.—
14 Notwithstanding section 129(l)(3)(A)(i) of the National
15 and Community Service Act of 1990 (42 U.S.C.
16 12581(l)(3)(A)(i)), the Chief Executive Officer of the Cor-
17 poration for National and Community Service may permit
18 fixed-amount grant recipients under such section 129(l)
19 to maintain a pro rata amount of grant funds, at the dis-
20 cretion of the Corporation for National and Community
21 Service, for participants who exited, were suspended, or
22 are serving in a limited capacity due to COVID–19, to
23 enable the grant recipients to maintain operations and to
24 accept participants.

1 (c) EXTENSION OF TERMS AND AGE LIMITS.—Not-
2 withstanding any other provision of law, the Corporation
3 for National and Community Service may extend the term
4 of service (for a period not to exceed the 1-year period
5 immediately following the end of the national emergency)
6 or waive any upper age limit (except in no case shall the
7 maximum age exceed 26 years of age) for national service
8 programs carried out by the National Civilian Community
9 Corps under subtitle E of title I of the National and Com-
10 munity Service Act of 1990 (42 U.S.C. 12611 et seq.),
11 and the participants in such programs, for the purposes
12 of—

13 (1) addressing disruptions due to COVID–19;

14 and

15 (2) minimizing the difficulty in returning to full
16 operation due to COVID–19 on such programs and
17 participants.

18 **DIVISION K—AGRICULTURE**

19 **PROVISIONS**

20 **TITLE I—COMMODITY SUPPORT** 21 **AND OTHER AGRICULTURE** 22 **PROGRAMS**

23 **SEC. 110101. SUPPLEMENTAL DAIRY MARGIN COVERAGE.**

24 (a) IN GENERAL.—Of the funds of the Commodity
25 Credit Corporation, the Secretary of Agriculture shall pro-

1 vide supplemental dairy margin coverage payments to eli-
2 gible dairy operations described in subsection (b) whenever
3 the average actual dairy production margin (as defined in
4 section 1401 of the Agricultural Act of 2014 (7 U.S.C.
5 9051)) for a month is less than the coverage level thresh-
6 old selected by such eligible dairy operation under such
7 section 1406.

8 (b) ELIGIBLE DAIRY OPERATION DESCRIBED.—An
9 eligible dairy operation described in this subsection is a
10 participating dairy operation (as defined in section 1401
11 of the Agricultural Act of 2014 (7 U.S.C. 9051)) that—

12 (1) is located in the United States; and

13 (2) on the date of the enactment of this section,
14 had a production history established under the dairy
15 margin coverage program described in section 1405
16 of the Agricultural Act of 2014 (7 U.S.C. 9055) of
17 less than 5 million pounds, as determined in accord-
18 ance with subsection (c).

19 (c) SUPPLEMENTAL PRODUCTION HISTORY CAL-
20 CULATION.—

21 (1) IN GENERAL.—For purposes of determining
22 the production history of an eligible dairy operation
23 under this subsection, such an operation's produc-
24 tion history shall be equal to—

1 (A) the production volume of such dairy
2 operation for the 2019 milk marketing year;
3 minus

4 (B) the production history of such dairy
5 operation established under section 1405 of the
6 Agricultural Act of 2014 (7 U.S.C. 9055).

7 (2) 5-MILLION POUND LIMITATION.—

8 (A) IN GENERAL.—The Secretary shall not
9 provide supplemental dairy margin coverage on
10 a dairy operation’s actual production for cal-
11 endar year 2019 such that the total production
12 history of the operation exceeds 5 million
13 pounds.

14 (B) DETERMINATION OF AMOUNT.—In cal-
15 culating the total production history of a dairy
16 operation under subparagraph (A), the Sec-
17 retary shall add the following:

18 (i) The supplemental production his-
19 tory calculated under paragraph (1) with
20 respect to such dairy operation.

21 (ii) The dairy margin coverage pro-
22 duction history described in paragraph
23 (1)(B) with respect to such dairy oper-
24 ation.

1 (d) COVERAGE PERCENTAGE.—For purposes of cal-
2 culating payments to be issued under this section, an eligi-
3 ble dairy operation’s coverage percentage shall be equal
4 to the coverage percentage selected by such eligible dairy
5 operation under section 1406 of the Agricultural Act of
6 2014 (7 U.S.C. 9056).

7 (e) PREMIUM COST.—The premium cost for an eligi-
8 ble dairy operation under this section shall be equal to
9 the product of multiplying—

10 (1) the Tier I premium cost calculated under
11 section 1407(b) of the Agricultural Act of 2014 (7
12 U.S.C. 9057(b)); by

13 (2) the production history calculation deter-
14 mined under subsection (c) (such that total produc-
15 tion history does not exceed 5 million pounds).

16 (f) REGULATIONS.—Not later than 45 days after the
17 date of the enactment of this section, the Secretary shall
18 issue regulations to carry out this section.

19 (g) RETROACTIVITY.—The authority to carry out this
20 section shall begin on January 1, 2020.

21 **SEC. 110102. TARGETED PURCHASES.**

22 (a) IN GENERAL.—The Secretary of Agriculture shall
23 utilize not less than \$300,000,000 of the funds available
24 under section 32 of the Act of August 24, 1935 (7 U.S.C.
25 612c) to purchase qualified agricultural products for the

1 purpose of donating the products to food assistance pro-
2 grams, including the Emergency Food Assistance Pro-
3 gram, of which the Secretary shall utilize—

4 (1) not less than \$150,000,000 to purchase spe-
5 cialty crops;

6 (2) not less than \$75,000,000 to purchase
7 dairy; and

8 (3) not less than \$75,000,000 to purchase meat
9 and poultry products.

10 (b) QUALIFIED AGRICULTURAL PRODUCT DE-
11 FINED.—In this section, the term “qualified agricultural
12 product” means a dairy, meat, or poultry product, or a
13 specialty crop—

14 (1) that was packaged or marketed for sale to
15 commercial or food service industries;

16 (2) for which decreased demand exists for such
17 a product due to the COVID–19 outbreak; and

18 (3) the repurposing of which would be imprac-
19 tical for grocery or retail sale.

20 **TITLE II—SUPPLEMENTAL NU-**
21 **TRITION ASSISTANCE PRO-**
22 **GRAM**

23 **SEC. 110201. SNAP FUNDING.**

24 There are hereby appropriated to the Secretary of
25 Agriculture, out of any money in the Treasury not other-

1 wise appropriated, such sums as maybe necessary to carry
2 out this title and sections 2301 and 2302 of the Families
3 First Coronavirus Response Act (Public Law 116–127).

4 **SEC. 110202. SNAP ALLOTMENTS.**

5 (a) NUTRITION ASSISTANCE ALLOTMENT
6 AMOUNT.—

7 (1) VALUE OF BENEFITS.—Notwithstanding
8 any other provision of law, beginning on May 1,
9 2020, the value of benefits determined under section
10 8(a) of the Food and Nutrition Act of 2008 (7
11 U.S.C. 2017(a)), and consolidated block grants for
12 Puerto Rico and American Samoa determined under
13 section 19(a) of such Act (7 U.S.C. 2028(a)), shall
14 be calculated using 115 percent of the June 2019
15 value of the thrifty food plan (as defined in section
16 3 of such Act (7 U.S.C. 2012)) if the value of the
17 benefits and block grants would be greater under
18 that calculation than in the absence of this para-
19 graph.

20 (2) MINIMUM AMOUNT.—

21 (A) IN GENERAL.—The minimum value of
22 benefits determined under section 8(a) of the
23 Food and Nutrition Act of 2008 (7 U.S.C.
24 2017(a)) for a household of not more than 2
25 members shall be \$30.

1 (B) EFFECTIVENESS.—Subparagraph (A)
2 shall remain in effect until the date on which 8
3 percent of the value of the thrifty food plan for
4 a household containing 1 member, rounded to
5 the nearest whole dollar increment, is equal to
6 or greater than \$30.

7 (b) REQUIREMENTS FOR THE SECRETARY.—In car-
8 rying out this section, the Secretary shall—

9 (1) consider the benefit increases described in
10 subsection (a) to be a “mass change”;

11 (2) require a simple process for States to notify
12 households of the increase in benefits;

13 (3) not include any errors in the implementa-
14 tion of this section in the payment error rate cal-
15 culated under section 16(c) of the Food and Nutri-
16 tion Act of 2008 (7 U.S.C. 2025(c));

17 (4) disregard the additional amount of benefits
18 that a household receives as a result of this section
19 in determining the amount of overissuances under
20 section 13 of the Food and Nutrition Act of 2008
21 (7 U.S.C. 2022); and

22 (5) set the tolerance level for excluding small
23 errors for the purposes of section 16(c) of the Food
24 and Nutrition Act of 2008 (7 U.S.C. 2025(c)) at
25 \$50 through September 30, 2021.

1 (c) ADMINISTRATIVE EXPENSES.—

2 (1) IN GENERAL.—For the costs of State ad-
3 ministrative expenses associated with carrying out
4 this section and administering the supplemental nu-
5 trition assistance program established under the
6 Food and Nutrition Act of 2008 (7 U.S.C. 2011 et
7 seq.), the Secretary of Agriculture shall make avail-
8 able \$150,000,000 for fiscal year 2020 and
9 \$150,000,000 for fiscal year 2021.

10 (2) TIMING FOR FISCAL YEAR 2020.—Not later
11 than 60 days after the date of the enactment of this
12 section, the Secretary shall make available to States
13 amounts for fiscal year 2020 under paragraph (1).

14 (3) ALLOCATION OF FUNDS.—Funds described
15 in paragraph (1) shall be made available as grants
16 to State agencies for each fiscal year as follows:

17 (A) 75 percent of the amounts available
18 for each fiscal year shall be allocated to States
19 based on the share of each State of households
20 that participate in the supplemental nutrition
21 assistance program as reported to the Depart-
22 ment of Agriculture for the most recent 12-
23 month period for which data are available, ad-
24 justed by the Secretary (as of the date of the
25 enactment of this section) for participation in

1 disaster programs under section 5(h) of the
2 Food and Nutrition Act of 2008 (7 U.S.C.
3 2014(h)); and

4 (B) 25 percent of the amounts available
5 for each fiscal year shall be allocated to States
6 based on the increase in the number of house-
7 holds that participate in the supplemental nu-
8 trition assistance program as reported to the
9 Department of Agriculture over the most recent
10 12-month period for which data are available,
11 adjusted by the Secretary (as of the date of the
12 enactment of this section) for participation in
13 disaster programs under section 5(h) of the
14 Food and Nutrition Act of 2008 (7 U.S.C.
15 2014(h)).

16 **SEC. 110203. SNAP RULES.**

17 No funds (including fees) made available under this
18 Act or any other Act for any fiscal year may be used to
19 finalize, implement, administer, enforce, carry out, or oth-
20 erwise give effect to—

21 (1) the final rule entitled “Supplemental Nutri-
22 tion Assistance Program: Requirements for Able-
23 Bodied Adults Without Dependents” published in
24 the Federal Register on December 5, 2019 (84 Fed.
25 Reg. 66782);

1 (2) the proposed rule entitled “Revision of Cat-
2 egorical Eligibility in the Supplemental Nutrition
3 Assistance Program (SNAP)” published in the Fed-
4 eral Register on July 24, 2019 (84 Fed. Reg.
5 35570); or

6 (3) the proposed rule entitled “Supplemental
7 Nutrition Assistance Program: Standardization of
8 State Heating and Cooling Standard Utility Allow-
9 ances” published in the Federal Register on October
10 3, 2019 (84 Fed. Reg. 52809).

11 **SEC. 110204. SNAP HOT FOOD PURCHASES.**

12 During the period beginning 10 days after the date
13 of the enactment of this Act and ending on the termi-
14 nation date of the public health emergency declaration
15 made by the Secretary of Health and Human Services
16 under section 319 of the Public Health Service Act based
17 on an outbreak of coronavirus disease 2019 (COVID–19),
18 the term “food”, as defined in section 3 of the Food and
19 Nutrition Act of 2008 (7 U.S.C. 2012), shall be deemed
20 to exclude “hot foods or hot food products ready for imme-
21 diate consumption other than those authorized pursuant
22 to clauses (3), (4), (5), (7), (8), and (9) of this sub-
23 section,” for purposes of such Act, except that such exclu-
24 sion is limited to retail food stores authorized to accept

1 and redeem supplemental nutrition assistance program
2 benefits as of the date of enactment of this Act.

3 **[SEC. 110205. WAIVER.**

4 **[**Any funds provided in the Third Coronavirus Pre-
5 paredness and Response Supplemental Appropriations
6 Act, 2020 for the Food Distribution Program on Indian
7 Reservations, as authorized by section 4(b) of the Food
8 and Nutrition Act of 2008 (7 U.S.C. 2013(b)), are not
9 subject to the payment of the non-Federal share require-
10 ment described in section 4(b)(4)(A) of the Food and Nu-
11 trition Act of 2008 (7 U.S.C. 2013(b)(4)(A)).**]**

12 **DIVISION L—ACCESS ACT**

13 **SEC. 120001. SHORT TITLE.**

14 This division may be cited as the “American
15 Coronavirus/COVID–19 Election Safety and Security
16 Act” or the “ACCESS Act”.

17 **SEC. 120002. REQUIREMENTS FOR FEDERAL ELECTION**

18 **CONTINGENCY PLANS IN RESPONSE TO NAT-**

19 **URAL DISASTERS AND EMERGENCIES.**

20 (a) IN GENERAL.—

21 (1) ESTABLISHMENT.—Not later than 30 days
22 after the date of the enactment of this Act, each
23 State and each jurisdiction in a State which is re-
24 sponsible for administering elections for Federal of-
25 fice shall establish and make publicly available a

1 contingency plan to enable individuals to vote in
2 elections for Federal office during a state of emer-
3 gency, public health emergency, or national emer-
4 gency which has been declared for reasons includ-
5 ing—

6 (A) a natural disaster; or

7 (B) an infectious disease.

8 (2) UPDATING.—Each State and jurisdiction
9 shall update the contingency plan established under
10 this subsection not less frequently than every 5
11 years.

12 (b) REQUIREMENTS RELATING TO SAFETY.—The
13 contingency plan established under subsection (a) shall in-
14 clude initiatives to provide equipment and resources need-
15 ed to protect the health and safety of poll workers and
16 voters when voting in person.

17 (c) REQUIREMENTS RELATING TO RECRUITMENT OF
18 POLL WORKERS.—The contingency plan established
19 under subsection (a) shall include initiatives by the chief
20 State election official and local election officials to recruit
21 poll workers from resilient or unaffected populations,
22 which may include—

23 (1) employees of other State and local govern-
24 ment offices; and

1 (2) in the case in which an infectious disease
2 poses significant increased health risks to elderly in-
3 dividuals, students of secondary schools and institu-
4 tions of higher education in the State.

5 (d) STATE.—For purposes of this section, the term
6 “State” includes the District of Columbia, the Common-
7 wealth of Puerto Rico, Guam, American Samoa, the
8 United States Virgin Islands, and the Commonwealth of
9 the Northern Mariana Islands.

10 (e) ENFORCEMENT.—

11 (1) ATTORNEY GENERAL.—The Attorney Gen-
12 eral may bring a civil action against any State or ju-
13 risdiction in an appropriate United States District
14 Court for such declaratory and injunctive relief (in-
15 cluding a temporary restraining order, a permanent
16 or temporary injunction, or other order) as may be
17 necessary to carry out the requirements of this sec-
18 tion.

19 (2) PRIVATE RIGHT OF ACTION.—

20 (A) IN GENERAL.—In the case of a viola-
21 tion of this section, any person who is aggrieved
22 by such violation may provide written notice of
23 the violation to the chief election official of the
24 State involved.

1 (B) RELIEF.—If the violation is not cor-
2 rected within 20 days after receipt of a notice
3 under subparagraph (A), or within 5 days after
4 receipt of the notice if the violation occurred
5 within 120 days before the date of an election
6 for Federal office, the aggrieved person may, in
7 a civil action, obtain declaratory or injunctive
8 relief with respect to the violation.

9 (C) SPECIAL RULE.—If the violation oc-
10 curred within 5 days before the date of an elec-
11 tion for Federal office, the aggrieved person
12 need not provide notice to the chief election of-
13 ficial of the State involved under subparagraph
14 (A) before bringing a civil action under sub-
15 paragraph (B).

16 (f) EFFECTIVE DATE.—This section shall apply with
17 respect to the regularly scheduled general election for Fed-
18 eral office held in November 2020 and each succeeding
19 election for Federal office.

20 **SEC. 120003. EARLY VOTING AND VOTING BY MAIL.**

21 (a) REQUIREMENTS.—Title III of the Help America
22 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended
23 by adding at the end the following new subtitle:

1 **“Subtitle C—Other Requirements**

2 **“SEC. 321. EARLY VOTING.**

3 “(a) REQUIRING ALLOWING VOTING PRIOR TO DATE
4 OF ELECTION.—

5 “(1) IN GENERAL.—Each State shall allow indi-
6 viduals to vote in an election for Federal office dur-
7 ing an early voting period which occurs prior to the
8 date of the election, in the same manner as voting
9 is allowed on such date.

10 “(2) LENGTH OF PERIOD.—The early voting
11 period required under this subsection with respect to
12 an election shall consist of a period of consecutive
13 days (including weekends) which begins on the 15th
14 day before the date of the election (or, at the option
15 of the State, on a day prior to the 15th day before
16 the date of the election) and ends on the date of the
17 election.

18 “(b) MINIMUM EARLY VOTING REQUIREMENTS.—
19 Each polling place which allows voting during an early vot-
20 ing period under subsection (a) shall—

21 “(1) allow such voting for no less than 10 hours
22 on each day;

23 “(2) have uniform hours each day for which
24 such voting occurs; and

1 “(3) allow such voting to be held for some pe-
2 riod of time prior to 9:00 a.m (local time) and some
3 period of time after 5:00 p.m. (local time).

4 “(c) LOCATION OF POLLING PLACES.—

5 “(1) PROXIMITY TO PUBLIC TRANSPOR-
6 TATION.—To the greatest extent practicable, a State
7 shall ensure that each polling place which allows vot-
8 ing during an early voting period under subsection
9 (a) is located within walking distance of a stop on
10 a public transportation route.

11 “(2) AVAILABILITY IN RURAL AREAS.—The
12 State shall ensure that polling places which allow
13 voting during an early voting period under sub-
14 section (a) will be located in rural areas of the State,
15 and shall ensure that such polling places are located
16 in communities which will provide the greatest op-
17 portunity for residents of rural areas to vote during
18 the early voting period.

19 “(d) STANDARDS.—

20 “(1) IN GENERAL.—The Commission shall issue
21 standards for the administration of voting prior to
22 the day scheduled for a Federal election. Such
23 standards shall include the nondiscriminatory geo-
24 graphic placement of polling places at which such
25 voting occurs.

1 “(1) IN GENERAL.—If an individual in a State
2 is eligible to cast a vote in an election for Federal
3 office, the State may not impose any additional con-
4 ditions or requirements on the eligibility of the indi-
5 vidual to cast the vote in such election by absentee
6 ballot by mail, including—

7 “(A) requiring any form of identification
8 as a condition of obtaining the absentee ballot;
9 or

10 “(B) requiring notarization or witness sig-
11 nature or other formal authentication (other
12 than voter attestation) as a condition of the ac-
13 ceptance of the ballot by an election official.

14 “(2) PERMITTING CERTAIN REQUIREMENTS.—
15 Notwithstanding paragraph (1)—

16 “(A) a State shall require an individual to
17 meet signature verification in accordance with
18 subsection (b); and

19 “(B) the State may impose a deadline for
20 requesting the ballot and related voting mate-
21 rials from the appropriate State or local elec-
22 tion official and for returning the ballot to the
23 appropriate State or local election official.

24 “(b) REQUIRING SIGNATURE VERIFICATION.—

1 “(1) REQUIREMENT.—A State may not accept
2 and process an absentee ballot submitted by any in-
3 dividual with respect to an election for Federal office
4 unless the State verifies the identification of the in-
5 dividual by comparing the individual’s signature on
6 the absentee ballot with the individual’s signature on
7 the official list of registered voters in the State, in
8 accordance with such procedures as the State may
9 adopt (subject to the requirements of paragraph
10 (2)).

11 “(2) DUE PROCESS REQUIREMENTS.—

12 “(A) NOTICE AND OPPORTUNITY TO CURE
13 DISCREPANCY.—If an individual submits an ab-
14 sentee ballot and the appropriate State or local
15 election official determines that a discrepancy
16 exists between the signature on such ballot and
17 the signature of such individual on the official
18 list of registered voters in the State, such elec-
19 tion official, prior to making a final determina-
20 tion as to the validity of such ballot, shall make
21 a good faith effort to immediately notify such
22 individual by mail, telephone, and (if available)
23 electronic mail that—

24 “(i) a discrepancy exists between the
25 signature on such ballot and the signature

1 of such individual on the official list of reg-
2 istered voters in the State;

3 “(ii) such individual may provide the
4 official with information to cure such dis-
5 crepancy, either in person, by telephone, or
6 by electronic methods; and

7 “(iii) if such discrepancy is not cured
8 prior to the expiration of the 7-day period
9 which begins on the date of the election,
10 such ballot will not be counted.

11 “(B) OPPORTUNITY TO PROVIDE MISSING
12 SIGNATURE.—If an individual submits an ab-
13 sentee ballot without a signature, the State
14 shall notify the individual and give the indi-
15 vidual an opportunity to provide the missing
16 signature on a form proscribed by the State.

17 “(C) OTHER REQUIREMENTS.—An election
18 official may not make a determination that a
19 discrepancy exists between the signature on an
20 absentee ballot and the signature of the indi-
21 vidual who submits the ballot on the official list
22 of registered voters in the State unless—

23 “(i) at least 2 election officials make
24 the determination; and

1 “(ii) each official who makes the de-
2 termination has received training in proce-
3 dures used to verify signatures.

4 “(3) REPORT.—

5 “(A) IN GENERAL.—Not later than 120
6 days after the end of a Federal election cycle,
7 each chief State election official shall submit to
8 Congress a report containing the following in-
9 formation for the applicable Federal election
10 cycle in the State:

11 “(i) The number of ballots invalidated
12 due to a discrepancy under this subsection.

13 “(ii) Description of attempts to con-
14 tact voters to provide notice as required by
15 this subsection.

16 “(iii) Description of the cure process
17 developed by such State pursuant to this
18 subsection, including the number of ballots
19 determined valid as a result of such pro-
20 cess.

21 “(B) FEDERAL ELECTION CYCLE DE-
22 FINED.—For purposes of this subsection, the
23 term ‘Federal election cycle’ means the period
24 beginning on January 1 of any odd numbered

1 year and ending on December 31 of the fol-
2 lowing year.

3 “(c) METHODS AND TIMING FOR TRANSMISSION OF
4 BALLOTS AND BALLOTING MATERIALS TO VOTERS.—

5 “(1) METHOD FOR REQUESTING BALLOT.—In
6 addition to such other methods as the State may es-
7 tablish for an individual to request an absentee bal-
8 lot, the State shall permit an individual to submit a
9 request for an absentee ballot online. The State shall
10 be considered to meet the requirements of this para-
11 graph if the website of the appropriate State or local
12 election official allows an absentee ballot request ap-
13 plication to be completed and submitted online and
14 if the website permits the individual—

15 “(A) to print the application so that the
16 individual may complete the application and re-
17 turn it to the official; or

18 “(B) request that a paper copy of the ap-
19 plication be transmitted to the individual by
20 mail or electronic mail so that the individual
21 may complete the application and return it to
22 the official.

23 “(2) ENSURING DELIVERY PRIOR TO ELEC-
24 TION.—If an individual requests to vote by absentee
25 ballot in an election for Federal office, the appro-

1 appropriate State or local election official shall ensure
2 that the ballot and relating voting materials are re-
3 ceived by the individual prior to the date of the elec-
4 tion so long as the individual’s request is received by
5 the official not later than 5 days (excluding Satur-
6 days, Sundays, and legal public holidays) before the
7 date of the election, except that nothing in this para-
8 graph shall preclude a State or local jurisdiction
9 from allowing for the acceptance and processing of
10 ballot requests submitted or received after such re-
11 quired period.

12 “(3) SPECIAL RULES IN CASE OF EMERGENCY
13 PERIODS.—

14 “(A) AUTOMATIC MAILING OF ABSENTEE
15 BALLOTS TO ALL VOTERS.—If the area in which
16 an election is held is in an area in which an
17 emergency or disaster which is described in sub-
18 paragraph (A) or (B) of section 1135(g)(1) of
19 the Social Security Act (42 U.S.C. 1320b-
20 5(g)(1)) is declared during the period described
21 in subparagraph (C)—

22 “(i) paragraphs (1) and (2) shall not
23 apply with respect to the election; and

24 “(ii) not later than 2 weeks before the
25 date of the election, the appropriate State

1 or local election official shall transmit ab-
2 sentee ballots and balloting materials for
3 the election to all individuals who are reg-
4 istered to vote in such election.

5 “(B) AFFIRMATION.—If an individual re-
6 ceives an absentee ballot from a State or local
7 election official pursuant to subparagraph (A)
8 and returns the voted ballot to the official, the
9 ballot shall not be counted in the election unless
10 the individual includes with the ballot a signed
11 affirmation that—

12 “(i) the individual has not and will
13 not cast another ballot with respect to the
14 election; and

15 “(ii) acknowledges that a material
16 misstatement of fact in completing the bal-
17 lot may constitute grounds for conviction
18 of perjury.

19 “(C) PERIOD DESCRIBED.—The period de-
20 scribed in this subparagraph with respect to an
21 election is the period which begins 120 days be-
22 fore the date of the election and ends 30 days
23 before the date of the election.

24 “(D) APPLICATION TO NOVEMBER 2020
25 GENERAL ELECTION.—Because of the public

1 health emergency declared pursuant to section
2 319 of the Public Health Service Act (42
3 U.S.C. 247d) resulting from the COVID–19
4 pandemic, the special rules set forth in this
5 paragraph shall apply with respect to the regu-
6 larly scheduled general election for Federal of-
7 fice held in November 2020 in each State.

8 “(d) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-
9 ABILITIES.—The State shall ensure that all absentee bal-
10 lots and related voting materials in elections for Federal
11 office are accessible to individuals with disabilities in a
12 manner that provides the same opportunity for access and
13 participation (including with privacy and independence) as
14 for other voters.

15 “(e) REQUIREMENTS FOR ENVELOPES.—

16 “(1) PREPAYMENT OF POSTAGE.—Consistent
17 with regulations of the United States Postal Service,
18 the State or the unit of local government responsible
19 for the administration of an election for Federal of-
20 fice shall prepay the postage on any ballot in the
21 election which is cast by mail.

22 “(2) USE OF SELF-SEALING ENVELOPE.—The
23 State or unit of local government shall provide with
24 any absentee ballot transmitted to a voter by mail
25 a self-sealing return envelope.

1 “(f) UNIFORM DEADLINE FOR ACCEPTANCE OF
2 MAILED BALLOTS.—If a ballot submitted by an individual
3 by mail with respect to an election for Federal office in
4 a State is postmarked on or before the date of the election,
5 the State may not refuse to accept or process the ballot
6 on the grounds that the individual did not meet a deadline
7 for returning the ballot to the appropriate State or local
8 election official.

9 “(g) METHODS OF RETURNING BALLOTS.—

10 “(1) IN GENERAL.—The State shall permit an
11 individual to whom a ballot in an election was pro-
12 vided under this section to cast the ballot by deliv-
13 ering the ballot at such times and to such locations
14 as the State may establish, including—

15 “(A) permitting the individual to deliver
16 the ballot to a polling place on the date of the
17 election; and

18 “(B) permitting the individual to deliver
19 the ballot to a designated ballot drop-off loca-
20 tion.

21 “(2) PERMITTING VOTERS TO DESIGNATE
22 OTHER PERSON TO RETURN BALLOT.—The State—

23 “(A) shall permit a voter to designate any
24 person to return a voted and sealed absentee
25 ballot to the post office, a ballot drop-off loca-

1 tion, tribally designated building, or election of-
2 fice so long as the person designated to return
3 the ballot does not receive any form of com-
4 pensation based on the number of ballots that
5 the person has returned and no individual,
6 group, or organization provides compensation
7 on this basis; and

8 “(B) may not put any limit on how many
9 voted and sealed absentee ballots any des-
10 ignated person can return to the post office, a
11 ballot drop off location, tribally designated
12 building, or election office.

13 “(h) **BALLOT PROCESSING AND SCANNING REQUIRE-**
14 **MENTS.—**

15 “(1) **IN GENERAL.—**The State shall begin proc-
16 essing and scanning ballots cast by mail for tabula-
17 tion at least 14 days prior to the date of the election
18 involved.

19 “(2) **LIMITATION.—**Nothing in this subsection
20 shall be construed to permit a State to tabulate bal-
21 lots in an election before the closing of the polls on
22 the date of the election.

23 “(i) **RULE OF CONSTRUCTION.—**Nothing in this sec-
24 tion shall be construed to affect the authority of States

1 to conduct elections for Federal office through the use of
2 polling places at which individuals cast ballots.

3 “(j) NO EFFECT ON BALLOTS SUBMITTED BY AB-
4 SENT MILITARY AND OVERSEAS VOTERS; TREATMENT OF
5 BLANK ABSENTEE BALLOTS TRANSMITTED TO CERTAIN
6 VOTERS.—Nothing in this section may be construed to af-
7 fect the treatment of any ballot submitted by an individual
8 who is entitled to vote by absentee ballot under the Uni-
9 formed and Overseas Citizens Absentee Voting Act (52
10 U.S.C. 20301 et seq.), and any blank absentee ballot
11 transmitted to an individual by mail or electronically in
12 accordance with section 102(f) of such Act shall be treated
13 in the same manner as any other absentee ballot for pur-
14 poses of this section.

15 “(k) EFFECTIVE DATE.—This section shall apply
16 with respect to the regularly scheduled general election for
17 Federal office held in November 2020 and each succeeding
18 election for Federal office.

19 **“SEC. 323. ABSENTEE BALLOT TRACKING PROGRAM.**

20 “(a) REQUIREMENT.—Each State shall carry out a
21 program to track and confirm the receipt of absentee bal-
22 lots in an election for Federal office under which the State
23 or local election official responsible for the receipt of voted
24 absentee ballots in the election carries out procedures to
25 track and confirm the receipt of such ballots, and makes

1 information on the receipt of such ballots available to the
2 individual who cast the ballot, by means of online access
3 using the Internet site of the official's office.

4 “(b) INFORMATION ON WHETHER VOTE WAS
5 COUNTED.—The information referred to under subsection
6 (a) with respect to the receipt of an absentee ballot shall
7 include information regarding whether the vote cast on the
8 ballot was counted, and, in the case of a vote which was
9 not counted, the reasons therefor.

10 “(c) USE OF TOLL-FREE TELEPHONE NUMBER BY
11 OFFICIALS WITHOUT INTERNET SITE.—A program estab-
12 lished by a State or local election official whose office does
13 not have an Internet site may meet the requirements of
14 subsection (a) if the official has established a toll-free tele-
15 phone number that may be used by an individual who cast
16 an absentee ballot to obtain the information on the receipt
17 of the voted absentee ballot as provided under such sub-
18 section.

19 “(d) EFFECTIVE DATE.—This section shall apply
20 with respect to the regularly scheduled general election for
21 Federal office held in November 2020 and each succeeding
22 election for Federal office.

23 **“SEC. 324. RULES FOR COUNTING PROVISIONAL BALLOTS.**

24 “(a) STATEWIDE COUNTING OF PROVISIONAL BAL-
25 LOTS.—

1 “(1) IN GENERAL.—For purposes of section
2 302(a)(4), notwithstanding the precinct or polling
3 place at which a provisional ballot is cast within the
4 State, the appropriate election official shall count
5 each vote on such ballot for each election in which
6 the individual who cast such ballot is eligible to vote.

7 “(2) EFFECTIVE DATE.—This subsection shall
8 apply with respect to the regularly scheduled general
9 election for Federal office held in November 2020
10 and each succeeding election for Federal office.

11 “(b) UNIFORM AND NONDISCRIMINATORY STAND-
12 ARDS.—

13 “(1) IN GENERAL.—Consistent with the re-
14 quirements of section 302, each State shall establish
15 uniform and nondiscriminatory standards for the
16 issuance, handling, and counting of provisional bal-
17 lots.

18 “(2) EFFECTIVE DATE.—This subsection shall
19 apply with respect to the regularly scheduled general
20 election for Federal office held in November 2020
21 and each succeeding election for Federal office.

22 **“SEC. 325. COVERAGE OF COMMONWEALTH OF NORTHERN**
23 **MARIANA ISLANDS.**

24 “In this subtitle, the term ‘State’ includes the Com-
25 monwealth of the Northern Mariana Islands.

1 **“SEC. 326. MINIMUM REQUIREMENTS FOR EXPANDING**
2 **ABILITY OF INDIVIDUALS TO VOTE.**

3 “The requirements of this subtitle are minimum re-
4 quirements, and nothing in this subtitle may be construed
5 to prevent a State from establishing standards which pro-
6 mote the ability of individuals to vote in elections for Fed-
7 eral office, so long as such standards are not inconsistent
8 with the requirements of this subtitle or other Federal
9 laws.”.

10 (b) CONFORMING AMENDMENT RELATING TO
11 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
12 SISTANCE COMMISSION.—Section 311(b) of such Act (52
13 U.S.C. 21101(b)) is amended—

14 (1) by striking “and” at the end of paragraph

15 (2);

16 (2) by striking the period at the end of para-
17 graph (3) and inserting “; and”; and

18 (3) by adding at the end the following new
19 paragraph:

20 “(4) in the case of the recommendations with
21 respect to subtitle C, June 30, 2020.”.

22 (c) ENFORCEMENT.—

23 (1) COVERAGE UNDER EXISTING ENFORCE-
24 MENT PROVISIONS.—Section 401 of such Act (52
25 U.S.C. 21111) is amended by striking “and 303”
26 and inserting “303, and subtitle C of title III”.

1 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-
2 TION.—Title IV of such (52 U.S.C. 21111 et seq.)
3 is amended by adding at the end the following new
4 section:

5 **“SEC. 403. PRIVATE RIGHT OF ACTION FOR VIOLATIONS OF**
6 **CERTAIN REQUIREMENTS.**

7 “(a) IN GENERAL.—In the case of a violation of sub-
8 title C of title III, section 402 shall not apply and any
9 person who is aggrieved by such violation may provide
10 written notice of the violation to the chief election official
11 of the State involved.

12 “(b) RELIEF.—If the violation is not corrected within
13 20 days after receipt of a notice under subsection (a), or
14 within 5 days after receipt of the notice if the violation
15 occurred within 120 days before the date of an election
16 for Federal office, the aggrieved person may, in a civil ac-
17 tion, obtain declaratory or injunctive relief with respect
18 to the violation.

19 “(c) SPECIAL RULE.—If the violation occurred within
20 5 days before the date of an election for Federal office,
21 the aggrieved person need not provide notice to the chief
22 election official of the State involved under subsection (a)
23 before bringing a civil action under subsection (b).”.

24 (d) CLERICAL AMENDMENT.—The table of contents
25 of such Act is amended—

1 (1) by adding at the end of the items relating
2 to title III the following:

“Subtitle C—Other Requirements

“Sec. 321. Early voting.

“Sec. 322. Promoting ability of voters to vote by mail.

“Sec. 323. Absentee ballot tracking program.

“Sec. 324. Rules for counting provisional ballots.

“Sec. 325. Coverage of Commonwealth of Northern Mariana Islands.

“Sec. 326. Minimum requirements for expanding ability of individuals to vote.”;
and

3 (2) by adding at the end of the items relating
4 to title IV the following new item:

“Sec. 403. Private right of action for violations of certain requirements.”.

5 **SEC. 120004. POSTAGE-FREE ABSENTEE BALLOTS.**

6 (a) IN GENERAL.—Chapter 34 of title 39, United
7 States Code, is amended by adding after section 3406 the
8 following:

9 **“§ 3407. Absentee ballots**

10 “(a) Any absentee ballot for any election for Federal
11 office shall be carried expeditiously, with postage prepaid
12 by the State or unit of local government responsible for
13 the administration of the election.

14 “(b) As used in this section, the term ‘absentee ballot’
15 means any ballot transmitted by a voter by mail in an
16 election for Federal office, but does not include any ballot
17 covered by section 3406.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for chapter 34 of such title is amended by inserting after
3 the item relating to section 3406 the following:

“3407. Absentee ballots carried free of postage.”.

4 **SEC. 120005. REQUIRING TRANSMISSION OF BLANK ABSEN-**
5 **TEE BALLOTS UNDER UOCAVA TO CERTAIN**
6 **VOTERS.**

7 (a) IN GENERAL.—The Uniformed and Overseas
8 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.)
9 is amended by inserting after section 103B the following
10 new section:

11 **“SEC. 103C. TRANSMISSION OF BLANK ABSENTEE BALLOTS**
12 **TO CERTAIN OTHER VOTERS.**

13 “(a) IN GENERAL.—

14 “(1) STATE RESPONSIBILITIES.—Subject to
15 paragraph (2), each State shall transmit blank ab-
16 sentee ballots by mail and electronically to qualified
17 individuals in the same manner and under the same
18 terms and conditions under which the State trans-
19 mits such ballots to absent uniformed services voters
20 and overseas voters under section 102(f).

21 “(2) REQUIREMENTS.—Any blank absentee bal-
22 lot transmitted to a qualified individual under this
23 section—

1 “(A) must comply with the language re-
2 quirements under section 203 of the Voting
3 Rights Act of 1965 (52 U.S.C. 10503); and

4 “(B) must comply with the disability re-
5 quirements under section 508 of the Rehabilita-
6 tion Act of 1973 (29 U.S.C. 794d).

7 “(3) AFFIRMATION.—The State may not trans-
8 mit a ballot to a qualified individual under this sec-
9 tion unless the individual provides the State with a
10 signed affirmation in electronic form that—

11 “(A) the individual is a qualified individual
12 (as defined in subsection (b));

13 “(B) the individual has not and will not
14 cast another ballot with respect to the election;
15 and

16 “(C) acknowledges that a material
17 misstatement of fact in completing the ballot
18 may constitute grounds for conviction of per-
19 jury.

20 “(4) CLARIFICATION REGARDING FREE POST-
21 AGE.—An absentee ballot obtained by a qualified in-
22 dividual under this section shall be considered bal-
23 lotting materials as defined in section 107 for pur-
24 poses of section 3406 of title 39, United States
25 Code.

1 “(5) PROHIBITING REFUSAL TO ACCEPT BAL-
2 LOT FOR FAILURE TO MEET CERTAIN REQUIRE-
3 MENTS.—A State shall not refuse to accept and
4 process any otherwise valid blank absentee ballot
5 which was transmitted to a qualified individual
6 under this section and used by the individual to vote
7 in the election solely on the basis of the following:

8 “(A) Notarization or witness signature re-
9 quirements.

10 “(B) Restrictions on paper type, including
11 weight and size.

12 “(C) Restrictions on envelope type, includ-
13 ing weight and size.

14 “(b) QUALIFIED INDIVIDUAL.—

15 “(1) IN GENERAL.—In this section, except as
16 provided in paragraph (2), the term ‘qualified indi-
17 vidual’ means any individual who is otherwise quali-
18 fied to vote in an election for Federal office and who
19 meets any of the following requirements:

20 “(A) The individual—

21 “(i) has requested an absentee ballot
22 from the State or jurisdiction in which
23 such individual is registered to vote; and

1 “(ii) has not received such absentee
2 ballot at least 2 days before the date of the
3 election.

4 “(B) The individual—

5 “(i) resides in an area of a State with
6 respect to which an emergency or public
7 health emergency has been declared by the
8 chief executive of the State or of the area
9 involved within 5 days of the date of the
10 election under the laws of the State due to
11 reasons including a natural disaster, in-
12 cluding severe weather, or an infectious
13 disease; and

14 “(ii) has not requested an absentee
15 ballot.

16 “(C) The individual expects to be absent
17 from such individual’s jurisdiction on the date
18 of the election due to professional or volunteer
19 service in response to a natural disaster or
20 emergency as described in subparagraph (B).

21 “(D) The individual is hospitalized or ex-
22 pects to be hospitalized on the date of the elec-
23 tion.

24 “(E) The individual is an individual with a
25 disability (as defined in section 3 of the Ameri-

1 cans with Disabilities Act of 1990 (42 U.S.C.
2 12102)) and resides in a State which does not
3 offer voters the ability to use secure and acces-
4 sible remote ballot marking. For purposes of
5 this subparagraph, a State shall permit an indi-
6 vidual to self-certify that the individual is an in-
7 dividual with a disability.

8 “(2) EXCLUSION OF ABSENT UNIFORMED SERV-
9 ICES AND OVERSEAS VOTERS.—The term ‘qualified
10 individual’ shall not include an absent uniformed
11 services voter or an overseas voter.

12 “(c) STATE.—For purposes of this section, the term
13 ‘State’ includes the District of Columbia, the Common-
14 wealth of Puerto Rico, Guam, American Samoa, the
15 United States Virgin Islands, and the Commonwealth of
16 the Northern Mariana Islands.

17 “(d) EFFECTIVE DATE.—This section shall apply
18 with respect to the regularly scheduled general election for
19 Federal office held in November 2020 and each succeeding
20 election for Federal office.”.

21 (b) CONFORMING AMENDMENT.—Section 102(a) of
22 such Act (52 U.S.C. 20302(a)) is amended—

23 (1) by striking “and” at the end of paragraph
24 (10);

1 (2) by striking the period at the end of para-
2 graph (11) and inserting “; and”; and

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

5 “(12) meet the requirements of section 103C
6 with respect to the provision of blank absentee bal-
7 lots for the use of qualified individuals described in
8 such section.”.

9 (c) **CLERICAL AMENDMENTS.**—The table of contents
10 of such Act is amended by inserting the following after
11 section 103:

“Sec. 103A. Procedures for collection and delivery of marked absentee ballots
of absent overseas uniformed services voters.

“Sec. 103B. Federal voting assistance program improvements.

“Sec. 103C. Transmission of blank absentee ballots to certain other voters.”.

12 **SEC. 120006. VOTER REGISTRATION.**

13 (a) **REQUIRING AVAILABILITY OF INTERNET FOR**
14 **VOTER REGISTRATION.**—

15 (1) **REQUIRING AVAILABILITY OF INTERNET**
16 **FOR REGISTRATION.**—The National Voter Registra-
17 tion Act of 1993 (52 U.S.C. 20501 et seq.) is
18 amended by inserting after section 6 the following
19 new section:

20 **“SEC. 6A. INTERNET REGISTRATION.**

21 **“(a) REQUIRING AVAILABILITY OF INTERNET FOR**
22 **ONLINE REGISTRATION.**—

1 “(1) AVAILABILITY OF ONLINE REGISTRATION
2 AND CORRECTION OF EXISTING REGISTRATION IN-
3 FORMATION.—Each State, acting through the chief
4 State election official, shall ensure that the following
5 services are available to the public at any time on
6 the official public websites of the appropriate State
7 and local election officials in the State, in the same
8 manner and subject to the same terms and condi-
9 tions as the services provided by voter registration
10 agencies under section 7(a):

11 “(A) Online application for voter registra-
12 tion.

13 “(B) Online assistance to applicants in ap-
14 plying to register to vote.

15 “(C) Online completion and submission by
16 applicants of the mail voter registration applica-
17 tion form prescribed by the Election Assistance
18 Commission pursuant to section 9(a)(2), includ-
19 ing assistance with providing a signature as re-
20 quired under subsection (c).

21 “(D) Online receipt of completed voter reg-
22 istration applications.

23 “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—
24 A State shall accept an online voter registration applica-
25 tion provided by an individual under this section, and en-

1 sure that the individual is registered to vote in the State,
2 if—

3 “(1) the individual meets the same voter reg-
4 istration requirements applicable to individuals who
5 register to vote by mail in accordance with section
6 6(a)(1) using the mail voter registration application
7 form prescribed by the Election Assistance Commis-
8 sion pursuant to section 9(a)(2); and

9 “(2) the individual meets the requirements of
10 subsection (c) to provide a signature in electronic
11 form (but only in the case of applications submitted
12 during or after the second year in which this section
13 is in effect in the State).

14 “(c) SIGNATURE REQUIREMENTS.—

15 “(1) IN GENERAL.—For purposes of this sec-
16 tion, an individual meets the requirements of this
17 subsection as follows:

18 “(A) In the case of an individual who has
19 a signature on file with a State agency, includ-
20 ing the State motor vehicle authority, that is
21 required to provide voter registration services
22 under this Act or any other law, the individual
23 consents to the transfer of that electronic signa-
24 ture.

1 “(B) If subparagraph (A) does not apply,
2 the individual submits with the application an
3 electronic copy of the individual’s handwritten
4 signature through electronic means.

5 “(C) If subparagraph (A) and subpara-
6 graph (B) do not apply, the individual executes
7 a computerized mark in the signature field on
8 an online voter registration application, in ac-
9 cordance with reasonable security measures es-
10 tablished by the State, but only if the State ac-
11 cepts such mark from the individual.

12 “(2) TREATMENT OF INDIVIDUALS UNABLE TO
13 MEET REQUIREMENT.—If an individual is unable to
14 meet the requirements of paragraph (1), the State
15 shall—

16 “(A) permit the individual to complete all
17 other elements of the online voter registration
18 application;

19 “(B) permit the individual to provide a sig-
20 nature at the time the individual requests a bal-
21 lot in an election (whether the individual re-
22 quests the ballot at a polling place or requests
23 the ballot by mail); and

24 “(C) if the individual carries out the steps
25 described in subparagraph (A) and subpara-

1 graph (B), ensure that the individual is reg-
2 istered to vote in the State.

3 “(3) NOTICE.—The State shall ensure that in-
4 dividuals applying to register to vote online are noti-
5 fied of the requirements of paragraph (1) and of the
6 treatment of individuals unable to meet such re-
7 quirements, as described in paragraph (2).

8 “(d) CONFIRMATION AND DISPOSITION.—

9 “(1) CONFIRMATION OF RECEIPT.—Upon the
10 online submission of a completed voter registration
11 application by an individual under this section, the
12 appropriate State or local election official shall send
13 the individual a notice confirming the State’s receipt
14 of the application and providing instructions on how
15 the individual may check the status of the applica-
16 tion.

17 “(2) NOTICE OF DISPOSITION.—Not later than
18 7 days after the appropriate State or local election
19 official has approved or rejected an application sub-
20 mitted by an individual under this section, the offi-
21 cial shall send the individual a notice of the disposi-
22 tion of the application.

23 “(3) METHOD OF NOTIFICATION.—The appro-
24 priate State or local election official shall send the
25 notices required under this subsection by regular

1 mail, and, in the case of an individual who has pro-
2 vided the official with an electronic mail address, by
3 both electronic mail and regular mail.

4 “(e) PROVISION OF SERVICES IN NONPARTISAN
5 MANNER.—The services made available under subsection
6 (a) shall be provided in a manner that ensures that, con-
7 sistent with section 7(a)(5)—

8 “(1) the online application does not seek to in-
9 fluence an applicant’s political preference or party
10 registration; and

11 “(2) there is no display on the website pro-
12 moting any political preference or party allegiance,
13 except that nothing in this paragraph may be con-
14 strued to prohibit an applicant from registering to
15 vote as a member of a political party.

16 “(f) PROTECTION OF SECURITY OF INFORMATION.—
17 In meeting the requirements of this section, the State shall
18 establish appropriate technological security measures to
19 prevent to the greatest extent practicable any unauthor-
20 ized access to information provided by individuals using
21 the services made available under subsection (a).

22 “(g) ACCESSIBILITY OF SERVICES.—A state shall en-
23 sure that the services made available under this section
24 are made available to individuals with disabilities to the

1 same extent as services are made available to all other in-
2 dividuals.

3 “(h) USE OF ADDITIONAL TELEPHONE-BASED SYS-
4 TEM.—A State shall make the services made available on-
5 line under subsection (a) available through the use of an
6 automated telephone-based system, subject to the same
7 terms and conditions applicable under this section to the
8 services made available online, in addition to making the
9 services available online in accordance with the require-
10 ments of this section.

11 “(i) NONDISCRIMINATION AMONG REGISTERED VOT-
12 ERS USING MAIL AND ONLINE REGISTRATION.—In car-
13 rying out this Act, the Help America Vote Act of 2002,
14 or any other Federal, State, or local law governing the
15 treatment of registered voters in the State or the adminis-
16 tration of elections for public office in the State, a State
17 shall treat a registered voter who registered to vote online
18 in accordance with this section in the same manner as the
19 State treats a registered voter who registered to vote by
20 mail.”.

21 (2) SPECIAL REQUIREMENTS FOR INDIVIDUALS
22 USING ONLINE REGISTRATION.—

23 (A) TREATMENT AS INDIVIDUALS REG-
24 ISTERING TO VOTE BY MAIL FOR PURPOSES OF
25 FIRST-TIME VOTER IDENTIFICATION REQUIRE-

1 MENTS.—Section 303(b)(1)(A) of the Help
2 America Vote Act of 2002 (52 U.S.C.
3 21083(b)(1)(A)) is amended by striking “by
4 mail” and inserting “by mail or online under
5 section 6A of the National Voter Registration
6 Act of 1993”.

7 (B) REQUIRING SIGNATURE FOR FIRST-
8 TIME VOTERS IN JURISDICTION.—Section
9 303(b) of such Act (52 U.S.C. 21083(b)) is
10 amended—

11 (i) by redesignating paragraph (5) as
12 paragraph (6); and

13 (ii) by inserting after paragraph (4)
14 the following new paragraph:

15 “(5) SIGNATURE REQUIREMENTS FOR FIRST-
16 TIME VOTERS USING ONLINE REGISTRATION.—

17 “(A) IN GENERAL.—A State shall, in a
18 uniform and nondiscriminatory manner, require
19 an individual to meet the requirements of sub-
20 paragraph (B) if—

21 “(i) the individual registered to vote
22 in the State online under section 6A of the
23 National Voter Registration Act of 1993;
24 and

1 “(ii) the individual has not previously
2 voted in an election for Federal office in
3 the State.

4 “(B) REQUIREMENTS.—An individual
5 meets the requirements of this subparagraph
6 if—

7 “(i) in the case of an individual who
8 votes in person, the individual provides the
9 appropriate State or local election official
10 with a handwritten signature; or

11 “(ii) in the case of an individual who
12 votes by mail, the individual submits with
13 the ballot a handwritten signature.

14 “(C) INAPPLICABILITY.—Subparagraph
15 (A) does not apply in the case of an individual
16 who is—

17 “(i) entitled to vote by absentee ballot
18 under the Uniformed and Overseas Citi-
19 zens Absentee Voting Act (52 U.S.C.
20 20302 et seq.);

21 “(ii) provided the right to vote other-
22 wise than in person under section
23 3(b)(2)(B)(ii) of the Voting Accessibility
24 for the Elderly and Handicapped Act (52
25 U.S.C. 20102(b)(2)(B)(ii)); or

1 “(iii) entitled to vote otherwise than
2 in person under any other Federal law.”.

3 (C) CONFORMING AMENDMENT RELATING
4 TO EFFECTIVE DATE.—Section 303(d)(2)(A) of
5 such Act (52 U.S.C. 21083(d)(2)(A)) is amend-
6 ed by striking “Each State” and inserting “Ex-
7 cept as provided in subsection (b)(5), each
8 State”.

9 (3) CONFORMING AMENDMENTS.—

10 (A) TIMING OF REGISTRATION.—Section
11 8(a)(1) of the National Voter Registration Act
12 of 1993 (52 U.S.C. 20507(a)(1)) is amended—

13 (i) by striking “and” at the end of
14 subparagraph (C);

15 (ii) by redesignating subparagraph
16 (D) as subparagraph (E); and

17 (iii) by inserting after subparagraph
18 (C) the following new subparagraph:

19 “(D) in the case of online registration
20 through the official public website of an election
21 official under section 6A, if the valid voter reg-
22 istration application is submitted online not
23 later than the lesser of 28 days, or the period
24 provided by State law, before the date of the
25 election (as determined by treating the date on

1 which the application is sent electronically as
2 the date on which it is submitted); and”.

3 (B) INFORMING APPLICANTS OF ELIGI-
4 BILITY REQUIREMENTS AND PENALTIES.—Sec-
5 tion 8(a)(5) of such Act (52 U.S.C.
6 20507(a)(5)) is amended by striking “and 7”
7 and inserting “6A, and 7”.

8 (b) SAME DAY REGISTRATION.—

9 (1) IN GENERAL.—Subtitle C of title III of the
10 Help America Vote Act of 2002, as added by section
11 3(a), is amended—

12 (A) by redesignating sections 325 and 326
13 as sections 326 and 327; and

14 (B) by inserting after section 324 the fol-
15 lowing new section:

16 **“SEC. 325. SAME DAY REGISTRATION.**

17 “(a) IN GENERAL.—

18 “(1) REGISTRATION.—Each State shall permit
19 any eligible individual on the day of a Federal elec-
20 tion and on any day when voting, including early
21 voting, is permitted for a Federal election—

22 “(A) to register to vote in such election at
23 the polling place using a form that meets the
24 requirements under section 9(b) of the National
25 Voter Registration Act of 1993 (or, if the indi-

1 vidual is already registered to vote, to revise
2 any of the individual’s voter registration infor-
3 mation); and

4 “(B) to cast a vote in such election.

5 “(2) EXCEPTION.—The requirements under
6 paragraph (1) shall not apply to a State in which,
7 under a State law in effect continuously on and after
8 the date of the enactment of this section, there is no
9 voter registration requirement for individuals in the
10 State with respect to elections for Federal office.

11 “(b) ELIGIBLE INDIVIDUAL.—For purposes of this
12 section, the term ‘eligible individual’ means, with respect
13 to any election for Federal office, an individual who is oth-
14 erwise qualified to vote in that election.

15 “(c) EFFECTIVE DATE.—Each State shall be re-
16 quired to comply with the requirements of subsection (a)
17 for the regularly scheduled general election for Federal of-
18 fice occurring in November 2020 and for any subsequent
19 election for Federal office.”.

20 (2) CLERICAL AMENDMENT.—The table of con-
21 tents of such Act, as amended by section 3, is
22 amended—

23 (A) by redesignating the items relating to
24 sections 325 and 326 as relating to sections
25 326 and 327; and

1 (B) by inserting after the item relating to
2 section 324 the following new item:

“Sec. 325. Same day registration.”.

3 (c) PROHIBITING STATE FROM REQUIRING APPLI-
4 CANTS TO PROVIDE MORE THAN LAST 4 DIGITS OF SO-
5 CIAL SECURITY NUMBER.—

6 (1) FORM INCLUDED WITH APPLICATION FOR
7 MOTOR VEHICLE DRIVER’S LICENSE.—Section
8 5(c)(2)(B)(ii) of the National Voter Registration Act
9 of 1993 (52 U.S.C. 20504(c)(2)(B)(ii)) is amended
10 by striking the semicolon at the end and inserting
11 the following: “, and to the extent that the applica-
12 tion requires the applicant to provide a Social Secu-
13 rity number, may not require the applicant to pro-
14 vide more than the last 4 digits of such number;”.

15 (2) NATIONAL MAIL VOTER REGISTRATION
16 FORM.—Section 9(b)(1) of such Act (52 U.S.C.
17 20508(b)(1)) is amended by striking the semicolon
18 at the end and inserting the following: “, and to the
19 extent that the form requires the applicant to pro-
20 vide a Social Security number, the form may not re-
21 quire the applicant to provide more than the last 4
22 digits of such number;”.

23 (3) EFFECTIVE DATE.—The amendments made
24 by this subsection shall apply with respect to the
25 regularly scheduled general election for Federal of-

1 volved without requiring a residential address or a
2 mail-in or absentee ballot request.

3 (3) USE OF DESIGNATED BUILDING AS RESI-
4 DENTIAL AND MAILING ADDRESS.—The address of a
5 designated building that is a ballot pickup and col-
6 lection location with respect to an election for Fed-
7 eral office may serve as the residential address and
8 mailing address for voters living on Indian lands if
9 the tribally designated building is in the same pre-
10 cinct as that voter. If there is no tribally designated
11 building within a voter’s precinct, the voter may use
12 another tribally designated building within the In-
13 dian lands where the voter is located. Voters using
14 a tribally designated building outside of the voter’s
15 precinct may use the tribally designated building as
16 a mailing address and may separately designate the
17 voter’s appropriate precinct through a description of
18 the voter’s address, as specified in section
19 9428.4(a)(2) of title 11, Code of Federal Regula-
20 tions.

21 (4) LANGUAGE ACCESSIBILITY.—In the case of
22 a State or political subdivision that is a covered
23 State or political subdivision under section 203 of
24 the Voting Rights Act of 1965 (52 U.S.C. 10503),
25 that State or political subdivision shall provide ab-

1 sentee or mail-in voting materials with respect to an
2 election for Federal office in the language of the ap-
3 plicable minority group as well as in the English lan-
4 guage, bilingual election voting assistance, and writ-
5 ten translations of all voting materials in the lan-
6 guage of the applicable minority group, as required
7 by section 203 of the Voting Rights Act of 1965 (52
8 U.S.C. 10503), as amended by subsection (b).

9 (5) CLARIFICATION.—Nothing in this section
10 alters the ability of an individual voter residing on
11 Indian lands to request a ballot in a manner avail-
12 able to all other voters in the State.

13 (6) DEFINITIONS.—In this section:

14 (A) INDIAN.—The term “Indian” has the
15 meaning given the term in section 4 of the In-
16 dian Self-Determination and Education Assist-
17 ance Act (25 U.S.C. 5304).

18 (B) INDIAN LANDS.—The term “Indian
19 lands” includes—

20 (i) any Indian country of an Indian
21 Tribe, as defined under section 1151 of
22 title 18, United States Code;

23 (ii) any land in Alaska owned, pursu-
24 ant to the Alaska Native Claims Settle-
25 ment Act (43 U.S.C. 1601 et seq.), by an

1 Indian Tribe that is a Native village (as
2 defined in section 3 of that Act (43 U.S.C.
3 1602)) or by a Village Corporation that is
4 associated with an Indian Tribe (as de-
5 fined in section 3 of that Act (43 U.S.C.
6 1602));

7 (iii) any land on which the seat of the
8 Tribal Government is located; and

9 (iv) any land that is part or all of a
10 Tribal designated statistical area associ-
11 ated with an Indian Tribe, or is part or all
12 of an Alaska Native village statistical area
13 associated with an Indian Tribe, as defined
14 by the Census Bureau for the purposes of
15 the most recent decennial census.

16 (C) INDIAN TRIBE.—The term “Indian
17 Tribe” has the meaning given the term “Indian
18 tribe” in section 4 of the Indian Self-Deter-
19 mination and Education Assistance Act (25
20 U.S.C. 5304).

21 (D) TRIBAL GOVERNMENT.—The term
22 “Tribal Government” means the recognized
23 governing body of an Indian Tribe.

24 (7) ENFORCEMENT.—

1 (A) ATTORNEY GENERAL.—The Attorney
2 General may bring a civil action in an appro-
3 priate district court for such declaratory or in-
4 junctive relief as is necessary to carry out this
5 subsection.

6 (B) PRIVATE RIGHT OF ACTION.—

7 (i) A person or Tribal Government
8 who is aggrieved by a violation of this sub-
9 section may provide written notice of the
10 violation to the chief election official of the
11 State involved.

12 (ii) An aggrieved person or Tribal
13 Government may bring a civil action in an
14 appropriate district court for declaratory
15 or injunctive relief with respect to a viola-
16 tion of this subsection, if—

17 (I) that person or Tribal Govern-
18 ment provides the notice described in
19 clause (i); and

20 (II)(aa) in the case of a violation
21 that occurs more than 120 days be-
22 fore the date of an election for Fed-
23 eral office, the violation remains and
24 90 days or more have passed since the
25 date on which the chief election offi-

1 cial of the State receives the notice
2 under clause (i); or

3 (bb) in the case of a violation
4 that occurs 120 days or less before
5 the date of an election for Federal of-
6 fice, the violation remains and 20
7 days or more have passed since the
8 date on which the chief election offi-
9 cial of the State receives the notice
10 under clause (i).

11 (iii) In the case of a violation of this
12 section that occurs 30 days or less before
13 the date of an election for Federal office,
14 an aggrieved person or Tribal Government
15 may bring a civil action in an appropriate
16 district court for declaratory or injunctive
17 relief with respect to the violation without
18 providing notice to the chief election offi-
19 cial of the State under clause (i).

20 (b) BILINGUAL ELECTION REQUIREMENTS.—Section
21 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503)
22 is amended—

23 (1) in subsection (b)(3)(C), by striking “1990”
24 and inserting “2010”; and

1 (2) by striking subsection (c) and inserting the
2 following:

3 “(c) PROVISION OF VOTING MATERIALS IN THE LAN-
4 GUAGE OF A MINORITY GROUP.—

5 “(1) IN GENERAL.—Whenever any State or po-
6 litical subdivision subject to the prohibition of sub-
7 section (b) of this section provides any registration
8 or voting notices, forms, instructions, assistance, or
9 other materials or information relating to the elec-
10 toral process, including ballots, it shall provide them
11 in the language of the applicable minority group as
12 well as in the English language.

13 “(2) EXCEPTIONS.—

14 “(A) IN GENERAL.—

15 “(i) In the case of a minority group
16 that is not American Indian or Alaska Na-
17 tive and the language of that minority
18 group is oral or unwritten, the State or po-
19 litical subdivision shall only be required to
20 furnish, in the covered language, oral in-
21 structions, assistance, translation of voting
22 materials, or other information relating to
23 registration and voting.

24 “(ii) In the case of a minority group
25 that is American Indian or Alaska Native,

1 the State or political subdivision shall only
2 be required to furnish in the covered lan-
3 guage oral instructions, assistance, or
4 other information relating to registration
5 and voting, including all voting materials,
6 if the Tribal Government of that minority
7 group has certified that the language of
8 the applicable American Indian or Alaska
9 Native language is presently unwritten or
10 the Tribal Government does not want writ-
11 ten translations in the minority language.

12 “(3) WRITTEN TRANSLATIONS FOR ELECTION
13 WORKERS.—Notwithstanding paragraph (2), the
14 State or political division may be required to provide
15 written translations of voting materials, with the
16 consent of any applicable Indian Tribe, to election
17 workers to ensure that the translations from English
18 to the language of a minority group are complete,
19 accurate, and uniform.”.

20 (c) EFFECTIVE DATE.—This section and the amend-
21 ments made by this section shall apply with respect to the
22 regularly scheduled general election for Federal office held
23 in November 2020 and each succeeding election for Fed-
24 eral office.

1 **SEC. 120008. PAYMENTS BY ELECTION ASSISTANCE COM-**
2 **MISSION TO STATES TO ASSIST WITH COSTS**
3 **OF COMPLIANCE.**

4 (a) AVAILABILITY OF GRANTS.—Subtitle D of title
5 II of the Help America Vote Act of 2002 (52 U.S.C.
6 21001 et seq.) is amended by adding at the end the fol-
7 lowing new part:

8 **“PART 7—PAYMENTS TO ASSIST WITH COSTS OF**
9 **COMPLIANCE WITH ACCESS ACT**
10 **“SEC. 297. PAYMENTS TO ASSIST WITH COSTS OF COMPLI-**
11 **ANCE WITH ACCESS ACT.**

12 “(a) AVAILABILITY AND USE OF PAYMENTS.—

13 “(1) IN GENERAL.—The Commission shall
14 make a payment to each eligible State to assist the
15 State with the costs of complying with the American
16 Coronavirus/COVID–19 Election Safety and Secu-
17 rity Act and the amendments made by such Act, in-
18 cluding the provisions of such Act and such amend-
19 ments which require States to pre-pay the postage
20 on absentee ballots and balloting materials.

21 “(2) PUBLIC EDUCATION CAMPAIGNS.—For
22 purposes of this part, the costs incurred by a State
23 in carrying out a campaign to educate the public
24 about the requirements of the American
25 Coronavirus/COVID–19 Election Safety and Secu-
26 rity Act and the amendments made by such Act

1 shall be included as the costs of complying with such
2 Act and such amendments.

3 “(b) PRIMARY ELECTIONS.—

4 “(1) PAYMENTS TO STATES.—In addition to
5 any payments under subsection (a), the Commission
6 shall make a payment to each eligible State to assist
7 the State with the costs incurred in voluntarily elect-
8 ing to comply with the American Coronavirus/
9 COVID–19 Election Safety and Security Act and
10 the amendments made by such Act with respect to
11 primary elections for Federal office held in the State
12 in 2020.

13 “(2) STATE POLITICAL PARTY-RUN PRI-
14 MARIES.—In addition to any payments under para-
15 graph (1), in the case of a State voluntarily electing
16 to comply with the American Coronavirus/COVID–
17 19 Election Safety and Security Act and the amend-
18 ments made by such Act with respect to primary
19 elections for Federal office held in the State in
20 2020, the Commission shall make a payment to each
21 eligible political party of the State for the costs in-
22 curred by the party in transmitting absentee ballots
23 and balloting materials with respect to such elections
24 (including the costs relating to pre-paying the post-

1 age on the return envelopes for such ballots and ma-
2 terials).

3 “(c) PASS-THROUGH OF FUNDS TO LOCAL JURISDIC-
4 TIONS.—

5 “(1) IN GENERAL.—If a State receives a pay-
6 ment under this part for costs that include costs in-
7 curred by a local jurisdiction or Tribal government
8 within the State, the State shall pass through to
9 such local jurisdiction or Tribal government a por-
10 tion of such payment that is equal to the amount of
11 the costs incurred by such local jurisdiction or Trib-
12 al government.

13 “(2) TRIBAL GOVERNMENT DEFINED.—In this
14 subsection, the term ‘Tribal Government’ means the
15 recognized governing body of an Indian tribe (as de-
16 fined in section 4 of the Indian Self-Determination
17 and Education Assistance Act (25 U.S.C. 5304).

18 “(d) SCHEDULE OF PAYMENTS.—As soon as prac-
19 ticable after the date of the enactment of this part and
20 not less frequently than once each calendar year there-
21 after, the Commission shall make payments under this
22 part.

23 “(e) COVERAGE OF COMMONWEALTH OF NORTHERN
24 MARIANA ISLANDS.—In this part, the term ‘State’ in-

1 cludes the Commonwealth of the Northern Mariana Is-
2 lands.

3 “(f) LIMITATION.—No funds may be provided to a
4 State under this part for costs attributable to the elec-
5 tronic return of marked ballots by any voter.

6 **“SEC. 297A. AMOUNT OF PAYMENT.**

7 “(a) IN GENERAL.—Except as provided in section
8 297C, the amount of a payment made to an eligible State
9 for a year under this part shall be determined by the Com-
10 mission.

11 “(b) CONTINUING AVAILABILITY OF FUNDS AFTER
12 APPROPRIATION.—A payment made to an eligible State
13 or eligible unit of local government under this part shall
14 be available without fiscal year limitation.

15 **“SEC. 297B. REQUIREMENTS FOR ELIGIBILITY.**

16 “(a) APPLICATION.—Except as provided in section
17 297C, each State that desires to receive a payment under
18 this part for a fiscal year, and each political party of a
19 State that desires to receive a payment under section
20 297(b)(2), shall submit an application for the payment to
21 the Commission at such time and in such manner and con-
22 taining such information as the Commission shall require.

23 “(b) CONTENTS OF APPLICATION.—Each application
24 submitted under subsection (a) shall—

1 “(1) describe the activities for which assistance
2 under this part is sought; and

3 “(2) provide such additional information and
4 certifications as the Commission determines to be es-
5 sential to ensure compliance with the requirements
6 of this part.

7 **“SEC. 297C. SPECIAL RULES FOR PAYMENTS FOR ELEC-**
8 **TIONS SUBJECT TO EMERGENCY RULES.**

9 “(a) SUBMISSION OF ESTIMATED COSTS.—If the spe-
10 cial rules in the case of an emergency period under section
11 322(c)(3) apply to an election, not later than the applica-
12 ble deadline under subsection (c), the State shall submit
13 to the Commission a request for a payment under this
14 part, and shall include in the request the State’s estimate
15 of the costs the State expects to incur in the administra-
16 tion of the election which are attributable to the applica-
17 tion of such special rules to the election.

18 “(b) PAYMENT.—Not later than 7 days after receiv-
19 ing a request from the State under subsection (a), the
20 Commission shall make a payment to the State in an
21 amount equal to the estimate provided by the State in the
22 request.

23 “(c) APPLICABLE DEADLINE.—The applicable dead-
24 line under this paragraph with respect to an election is—

1 “(1) with respect to the regularly scheduled
2 general election for Federal office held in November
3 2020, 15 days after the date of the enactment of
4 this part; and

5 “(2) with respect to any other election, 15 days
6 after the emergency or disaster described in section
7 322(c)(3) is declared.

8 **“SEC. 297D. AUTHORIZATION OF APPROPRIATIONS.**

9 “There are authorized to be appropriated for pay-
10 ments under this part—

11 “(1) in the case of payments made under sec-
12 tion 297C, such sums as may be necessary for fiscal
13 year 2020 and each succeeding fiscal year; and

14 “(2) in the case of any other payments, such
15 sums as may be necessary for fiscal year 2020.

16 **“SEC. 297E. REPORTS.**

17 “(a) REPORTS BY RECIPIENTS.—Not later than 6
18 months after the end of each fiscal year for which an eligi-
19 ble State received a payment under this part, the State
20 shall submit a report to the Commission on the activities
21 conducted with the funds provided during the year.

22 “(b) REPORTS BY COMMISSION TO COMMITTEES.—
23 With respect to each fiscal year for which the Commission
24 makes payments under this part, the Commission shall
25 submit a report on the activities carried out under this

1 part to the Committee on House Administration of the
2 House of Representatives and the Committee on Rules
3 and Administration of the Senate.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 of such Act is amended by adding at the end of the items
6 relating to subtitle D of title II the following:

“PART 7—PAYMENTS TO ASSIST WITH COSTS OF COMPLIANCE WITH
ACCESS ACT

“Sec. 297. Payments to assist with costs of compliance with Access Act.

“Sec. 297A. Amount of payment.

“Sec. 297B. Requirements for eligibility.

“Sec. 297C. Authorization of appropriations.

“Sec. 297D. Reports.”.

7 **SEC. 120009. GRANTS TO STATES FOR CONDUCTING RISK-**
8 **LIMITING AUDITS OF RESULTS OF ELEC-**
9 **TIONS.**

10 (a) AVAILABILITY OF GRANTS.—Subtitle D of title
11 II of the Help America Vote Act of 2002 (52 U.S.C.
12 21001 et seq.), as amended by section 8(a), is further
13 amended by adding at the end the following new part:

14 **“PART 8—GRANTS FOR CONDUCTING RISK-**
15 **LIMITING AUDITS OF RESULTS OF ELECTIONS**
16 **“SEC. 298. GRANTS FOR CONDUCTING RISK-LIMITING AU-**
17 **DITS OF RESULTS OF ELECTIONS.**

18 “(a) AVAILABILITY OF GRANTS.—The Commission
19 shall make a grant to each eligible State to conduct risk-
20 limiting audits as described in subsection (b) with respect
21 to the regularly scheduled general elections for Federal of-

1 fice held in November 2020 and each succeeding election
2 for Federal office.

3 “(b) RISK-LIMITING AUDITS DESCRIBED.—In this
4 part, a ‘risk-limiting audit’ is a post-election process—

5 “(1) which is conducted in accordance with
6 rules and procedures established by the chief State
7 election official of the State which meet the require-
8 ments of subsection (c); and

9 “(2) under which, if the reported outcome of
10 the election is incorrect, there is at least a predeter-
11 mined percentage chance that the audit will replace
12 the incorrect outcome with the correct outcome as
13 determined by a full, hand-to-eye tabulation of all
14 votes validly cast in that election that ascertains
15 voter intent manually and directly from voter-
16 verifiable paper records.

17 “(c) REQUIREMENTS FOR RULES AND PROCE-
18 DURES.—The rules and procedures established for con-
19 ducting a risk-limiting audit shall include the following
20 elements:

21 “(1) Rules for ensuring the security of ballots
22 and documenting that prescribed procedures were
23 followed.

1 “(2) Rules and procedures for ensuring the ac-
2 curacy of ballot manifests produced by election agen-
3 cies.

4 “(3) Rules and procedures for governing the
5 format of ballot manifests, cast vote records, and
6 other data involved in the audit.

7 “(4) Methods to ensure that any cast vote
8 records used in the audit are those used by the vot-
9 ing system to tally the election results sent to the
10 chief State election official and made public.

11 “(5) Procedures for the random selection of
12 ballots to be inspected manually during each audit.

13 “(6) Rules for the calculations and other meth-
14 ods to be used in the audit and to determine wheth-
15 er and when the audit of an election is complete.

16 “(7) Procedures and requirements for testing
17 any software used to conduct risk-limiting audits.

18 “(d) DEFINITIONS.—In this part, the following defi-
19 nitions apply:

20 “(1) The term ‘ballot manifest’ means a record
21 maintained by each election agency that meets each
22 of the following requirements:

23 “(A) The record is created without reliance
24 on any part of the voting system used to tab-
25 ulate votes.

1 “(B) The record functions as a sampling
2 frame for conducting a risk-limiting audit.

3 “(C) The record contains the following in-
4 formation with respect to the ballots cast and
5 counted in the election:

6 “(i) The total number of ballots cast
7 and counted by the agency (including
8 undervotes, overvotes, and other invalid
9 votes).

10 “(ii) The total number of ballots cast
11 in each election administered by the agency
12 (including undervotes, overvotes, and other
13 invalid votes).

14 “(iii) A precise description of the
15 manner in which the ballots are physically
16 stored, including the total number of phys-
17 ical groups of ballots, the numbering sys-
18 tem for each group, a unique label for each
19 group, and the number of ballots in each
20 such group.

21 “(2) The term ‘incorrect outcome’ means an
22 outcome that differs from the outcome that would be
23 determined by a full tabulation of all votes validly
24 cast in the election, determining voter intent manu-
25 ally, directly from voter-verifiable paper records.

1 “(3) The term ‘outcome’ means the winner of
2 an election, whether a candidate or a position.

3 “(4) The term ‘reported outcome’ means the
4 outcome of an election which is determined accord-
5 ing to the canvass and which will become the official,
6 certified outcome unless it is revised by an audit, re-
7 count, or other legal process.

8 **“SEC. 298A. ELIGIBILITY OF STATES.**

9 “A State is eligible to receive a grant under this part
10 if the State submits to the Commission, at such time and
11 in such form as the Commission may require, an applica-
12 tion containing—

13 “(1) a certification that, not later than 5 years
14 after receiving the grant, the State will conduct risk-
15 limiting audits of the results of elections for Federal
16 office held in the State as described in section 298;

17 “(2) a certification that, not later than one year
18 after the date of the enactment of this section, the
19 chief State election official of the State has estab-
20 lished or will establish the rules and procedures for
21 conducting the audits which meet the requirements
22 of section 298(c);

23 “(3) a certification that the audit shall be com-
24 pleted not later than the date on which the State
25 certifies the results of the election;

1 “(4) a certification that, after completing the
2 audit, the State shall publish a report on the results
3 of the audit, together with such information as nec-
4 essary to confirm that the audit was conducted prop-
5 erly;

6 “(5) a certification that, if a risk-limiting audit
7 conducted under this part leads to a full manual
8 tally of an election, State law requires that the State
9 or election agency shall use the results of the full
10 manual tally as the official results of the election;
11 and

12 “(6) such other information and assurances as
13 the Commission may require.

14 **“SEC. 298B. AUTHORIZATION OF APPROPRIATIONS.**

15 “‘There are authorized to be appropriated for grants
16 under this part \$20,000,000 for fiscal year 2020, to re-
17 main available until expended.’”.

18 (b) CLERICAL AMENDMENT.—The table of contents
19 of such Act, as amended by section 8(b), is further amend-
20 ed by adding at the end of the items relating to subtitle
21 D of title II the following:

“PART 8—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS
OF ELECTIONS

“Sec. 298. Grants for conducting risk-limiting audits of results of elec-
tions.

“Sec. 298A. Eligibility of States.

“Sec. 298B. Authorization of appropriations.

22 (c) GAO ANALYSIS OF EFFECTS OF AUDITS.—

1 (1) ANALYSIS.—Not later than 6 months after
2 the first election for Federal office is held after
3 grants are first awarded to States for conducting
4 risk-limiting audits under part 8 of subtitle D of
5 title II of the Help America Vote Act of 2002 (as
6 added by subsection (a)) for conducting risk-limiting
7 audits of elections for Federal office, the Comp-
8 troller General of the United States shall conduct an
9 analysis of the extent to which such audits have im-
10 proved the administration of such elections and the
11 security of election infrastructure in the States re-
12 ceiving such grants.

13 (2) REPORT.—The Comptroller General of the
14 United States shall submit a report on the analysis
15 conducted under subsection (a) to the appropriate
16 congressional committees.

17 **SEC. 120010. ADDITIONAL APPROPRIATIONS FOR THE**
18 **ELECTION ASSISTANCE COMMISSION.**

19 (a) IN GENERAL.—In addition to any funds other-
20 wise appropriated to the Election Assistance Commission
21 for fiscal year 2020, there is authorized to be appropriated
22 \$3,000,000 for fiscal year 2020 in order for the Commis-
23 sion to provide additional assistance and resources to
24 States for improving the administration of elections.

1 (b) AVAILABILITY OF FUNDS.—Amounts appro-
2 priated pursuant to the authorization under this sub-
3 section shall remain available without fiscal year limita-
4 tion.

5 **DIVISION M—OVERSIGHT AND**
6 **ACCOUNTABILITY**

7 **SEC. 130001. CORONAVIRUS ACCOUNTABILITY AND TRANS-**
8 **PARENCY COMMITTEE.**

9 (a) ESTABLISHMENT OF THE CORONAVIRUS AC-
10 COUNTABILITY AND TRANSPARENCY COMMITTEE.—There
11 is established the Coronavirus Accountability and Trans-
12 parency Committee within the Council of the Inspectors
13 General on Integrity and Efficiency to coordinate and sup-
14 port Inspectors General in conducting oversight of covered
15 funds to detect and prevent fraud, waste, and abuse.

16 (b) COMPOSITION OF COMMITTEE.—

17 (1) CHAIRPERSON.—The Chairperson of the
18 Committee shall be an Inspector General, identified
19 in paragraph (2)(A) with experience managing over-
20 sight of large organizations and expenditures and
21 shall be selected by the Chair of the Council of the
22 Inspectors General on Integrity and Efficiency.

23 (2) MEMBERS.—The members of the Com-
24 mittee shall include—

1 (A) the Inspectors General of the Depart-
2 ments of Commerce, Defense, Education,
3 Health and Human Services, Homeland Secu-
4 rity, Labor, Transportation, Treasury, Treasury
5 Inspector General for Tax Administration, Vet-
6 erans Affairs, and the Small Business Adminis-
7 tration; and

8 (B) any other Inspector General as des-
9 ignated by the Chair of the Council of the In-
10 spectors General on Integrity and Efficiency.

11 (c) FUNCTIONS OF THE COMMITTEE.—

12 (1) FUNCTIONS.—

13 (A) IN GENERAL.—The Committee shall
14 coordinate and assist Inspectors General in the
15 oversight of covered funds and the response of
16 the Executive Branch to the Coronavirus Pan-
17 demic in order to prevent fraud, waste, and
18 abuse.

19 (B) SPECIFIC FUNCTIONS.—The functions
20 of the Committee shall include—

21 (i) developing a strategic plan to en-
22 sure Inspectors General effectively and ef-
23 ficiently conduct comprehensive oversight
24 over all aspects of the covered funds and

1 the response by the Executive Branch to
2 the Coronavirus;

3 (ii) serving as a liaison to the Director
4 of the Office of Management and Budget,
5 Secretary of the Treasury, and other offi-
6 cials responsible for implementing this Act;

7 (iii) supporting audits and investiga-
8 tions of covered funds to determine wheth-
9 er wasteful spending, poor contract or
10 grant management, or other abuses are oc-
11 ccurring and referring matters the Com-
12 mittee considers appropriate for audit or
13 investigation to the Inspector General for
14 the agency that disbursed the covered
15 funds or more than one Inspector General,
16 as appropriate;

17 (iv) supporting reviews of contracts,
18 grants, and other assistance that use using
19 covered funds or that are otherwise related
20 to Coronavirus by assessing whether—

21 (I) the contracts, grants, and
22 other assistance meet applicable
23 standards;

24 (II) the contracts, grants, and
25 other assistance adequately specify the

1 purpose of the contract, grant, or
2 other assistance, as well as applicable
3 measures of performance; and

4 (III) there are sufficient qualified
5 acquisition and grant personnel over-
6 seeing the use of covered funds; and

7 (v) reviewing whether there are appro-
8 priate mechanisms for interagency collabo-
9 ration relating to covered funds, including
10 coordinating and collaborating to the ex-
11 tent practicable with State and local gov-
12 ernment entities.

13 (2) REPORTS.—

14 (A) REPORTS.—The Committee shall sub-
15 mit to the President and Congress, including
16 the appropriate congressional committees, time-
17 ly alerts on current or potential management
18 and funding problems that require immediate
19 attention. The Committee also shall submit to
20 Congress such other reports as the Committee
21 considers appropriate on the use and benefits of
22 covered funds and the response of the Executive
23 Branch to the Coronavirus.

24 (B) BIENNIAL REPORTS.—The Committee
25 shall submit reports every six months to the

1 President and the appropriate congressional
2 committees, summarizing the findings of the
3 Committee and Inspectors General of agencies.
4 The Committee may submit additional reports
5 as appropriate.

6 (C) PUBLIC AVAILABILITY.—

7 (i) IN GENERAL.—All reports sub-
8 mitted under this paragraph shall be made
9 publicly available and posted on the
10 website established by subsection (e).

11 (ii) REDACTIONS.—Any portion of a
12 report submitted under this paragraph
13 may be redacted when made publicly avail-
14 able, if that portion would disclose infor-
15 mation that is not subject to disclosure
16 under sections 552 and 552a of title 5,
17 United States Code.

18 (3) RECOMMENDATIONS.—

19 (A) IN GENERAL.—The Committee, in co-
20 ordination with the member Inspectors General,
21 shall make recommendations to agencies and to
22 Congress, including the appropriate committees,
23 on measures to prevent fraud, waste, and abuse
24 relating to covered funds.

1 (B) RESPONSIVE REPORTS.—Not later
2 than 30 days after receipt of a recommendation
3 under subparagraph (A), an agency shall sub-
4 mit a report to the President, the congressional
5 committees of jurisdiction, and the appropriate
6 congressional committees, on—

7 (i) whether the agency agrees or dis-
8 agrees with the recommendations; and

9 (ii) any specific action or action plan
10 the agency will take to implement the rec-
11 ommendations.

12 (d) POWERS AND AUTHORITIES OF THE COM-
13 MITTEE.—

14 (1) IN GENERAL.—The Committee shall coordi-
15 nate and support investigations, audits and reviews
16 of spending of covered funds to avoid duplication
17 and overlap of work and ensure that there are not
18 gaps in oversight activities by the member Inspec-
19 tors General. If a gap in oversight is identified, the
20 Committee shall request that an Inspector General
21 or more than one Inspector General, designated by
22 the Chair, conduct the appropriate audit or review.

23 (2) AUDITS AND INVESTIGATIONS.—The Com-
24 mittee may—

1 (A) provide all necessary support to an In-
2 spector General or Inspectors General in the
3 conduct of investigations, audits, evaluations,
4 and reviews relating to covered funds and
5 Coronavirus response; and

6 (B) collaborate on investigations, audits
7 and reviews relating to covered funds and
8 Coronavirus response with any Inspector Gen-
9 eral of an agency or more than one Inspectors
10 General.

11 (3) AUTHORITIES.—

12 (A) AUDITS AND INVESTIGATIONS.—In
13 providing assistance to Inspectors General in
14 the conduct of investigations, audits and re-
15 views, the Committee shall have the authorities
16 provided under section 6 of the Inspector Gen-
17 eral Act of 1978 (5 U.S.C. App.). The Com-
18 mittee may issue subpoenas to compel the testi-
19 mony of persons and may enforce subpoenas in
20 the event of a refusal to obey by order of any
21 appropriate United States district court as pro-
22 vided for Inspector General subpoenas under
23 section 6 of the Inspector General Act of 1978
24 (5 U.S.C. App.).

1 (B) STANDARDS AND GUIDELINES.—The
2 Committee shall carry out the powers under
3 paragraphs (1) and (2) in accordance with sec-
4 tion 4(b)(1) of the Inspector General Act of
5 1978 (5 U.S.C. App.).

6 (C) REPORT OF REFUSALS.—Whenever in-
7 formation or assistance requested by the Com-
8 mittee or an Inspector General, is unreasonably
9 refused or not provided, the Committee shall
10 immediately report the circumstances to the ap-
11 propriate committees.

12 (D) INFORMATION AND ASSISTANCE.—
13 Upon request of the Committee for information
14 or assistance from any agency or other entity of
15 the Federal Government, or any recipient under
16 this Act, the head of such entity shall, insofar
17 as is practicable and not in contravention of
18 any existing law, and consistent with section 6
19 of the Inspector General Act of 1978, as
20 amended, furnish such information or assist-
21 ance to the Committee.

22 (4) CONTRACTS.—The Council may enter into
23 contracts to enable the Committee to discharge its
24 duties under this Act, including contracts for audits,
25 studies, analyses, and other services with public

1 agencies and private persons, and make such pay-
2 ments as may be necessary to carry out the duties
3 of the Committee.

4 (5) TRANSFER OF FUNDS.—The Council may
5 transfer funds appropriated to the Council under
6 this section for administrative support services and
7 any audits, investigations, reviews, or other activities
8 to any office of Inspector General.

9 (6) EMPLOYMENT AND PERSONNEL AUTHORI-
10 TIES.—

11 (A) IN GENERAL.—

12 (i) AUTHORITIES.—The Council may
13 exercise the authorities of subsections (b)
14 through (i) of section 3161 of title 5,
15 United States Code, (without regard to
16 subsection (a) of that section) to carry out
17 the Committee’s functions under this sec-
18 tion.

19 (ii) APPLICATION.—For purposes of
20 exercising the authorities described under
21 clause (i), the term “Chairperson of the
22 Council” shall be substituted for the term
23 “head of a temporary organization”.

24 (iii) CONSULTATION.—In exercising
25 the authorities described under clause (i),

1 the Chairperson shall consult with mem-
2 bers of the Committee.

3 (iv) EMPLOYMENT AUTHORITIES.—In
4 exercising the employment authorities
5 under subsection (b) of section 3161 of
6 title 5, United States Code, paragraph (2)
7 of subsection (b) of section 3161 of that
8 title (relating to periods of appointments)
9 shall not apply and no period of appoint-
10 ment may exceed the date on which the
11 Committee terminates under subsection (i).

12 (v) DETAIL OF PERSONNEL.—In addi-
13 tion to the authority provided by sub-
14 section (c) of section 3161 of title 5,
15 United States Code, upon the request of
16 an Inspector General, the Council may de-
17 tail, on a nonreimbursable basis, any per-
18 sonnel of the Committee to that Inspector
19 General to assist in carrying out any audit
20 or investigation referred to the Inspector
21 General by the Committee.

22 (vi) REHIRING ANNUITANTS.—The
23 Committee may employ annuitants covered
24 by section 9902(g) of title 5, United States
25 Code, for purposes of the oversight of cov-

1 ered funds or the Coronavirus response.
2 The employment of annuitants under this
3 subparagraph shall be subject to the provi-
4 sions of section 9902(g) of title 5, United
5 States Code, as if the Committee was the
6 Department of Defense.

7 (vii) COMPETITIVE STATUS.—A per-
8 son employed by the Committee shall ac-
9 quire competitive status for appointment to
10 any position in the competitive service for
11 which the employee possesses the required
12 qualifications upon the completion of 2
13 years of continuous service as an employee
14 under this subsection. No person who is
15 first employed more than 2 years after the
16 date of the enactment of this Act may ac-
17 quire competitive status under this author-
18 ity.

19 (e) COMMITTEE WEBSITE.—

20 (1) ESTABLISHMENT.—The Committee shall
21 utilize www.Oversight.gov to establish and maintain,
22 no later than 30 days after the enactment of this
23 Act, a public-facing website for accountability and
24 transparency in the use of covered funds.

1 (2) PURPOSE.—The website established and
2 maintained under paragraph (1) shall provide infor-
3 mation relating to implementation of this Act and
4 provide connections to other government websites
5 with related information.

6 (3) CONTENT AND FUNCTION.—In establishing
7 the website established and maintained under para-
8 graph (1), the Committee shall ensure the website—

9 (A) provides materials explaining what this
10 Act means for citizens in plain language and
11 shall be regularly updated;

12 (B) provides accountability information, in-
13 cluding findings from audits, investigations, or
14 reviews conducted by the Committee, Inspectors
15 General, and the Government Accountability
16 Office;

17 (C) provides data made available in a
18 searchable, sortable, downloadable, and ma-
19 chine-readable format;

20 (D) provides—

21 (i) data on how funds provided under
22 this Act are spent including through rel-
23 evant economic, financial, grant, subgrant,
24 contract, subcontract, loan, and other rel-
25 evant information with a unique, trackable

1 identification number for each project
2 where applicable; and

3 (ii) information about the process that
4 was used for the award of loans, grants, or
5 contracts, and for contracts over \$150,000,
6 an explanation of the contract agreement
7 where applicable;

8 (E) includes searchable, sortable,
9 downloadable, machine-readable reports on cov-
10 ered funds obligated by month to each State
11 and congressional district where applicable;

12 (F) includes detailed information on Fed-
13 eral Government contracts, grants, and loans
14 that expend covered funds, using, where appli-
15 cable, the data elements required by the Digital
16 Access and Transparency Act (Public Law
17 113–101), and shall allow for aggregate report-
18 ing on awards below \$50,000 or to individuals,
19 as prescribed by the Director of the Office of
20 Management and Budget;

21 (G) includes appropriate links to other gov-
22 ernment websites with information concerning
23 covered funds, including Federal agency and
24 State websites;

1 (H) provides information on Federal allo-
2 cations of formula grants and awards of com-
3 petitive grants using covered funds;

4 (I) provides, if applicable, information on
5 Federal allocations of mandatory and other en-
6 titlement programs by State, county, or other
7 appropriate geographical unit;

8 (J) be enhanced and updated as necessary
9 to carry out the purposes of this section; and

10 (K) presents the data such that funds sub-
11 awarded by recipients are not double counted in
12 search results, data visualizations or other re-
13 ports.

14 (4) WAIVER.—The Committee may exclude
15 posting contractual or other information on the
16 website on a case-by-case basis when necessary to
17 protect information that is not subject to disclosure
18 under sections 552 and 552a of title 5, United
19 States Code.

20 (f) INDEPENDENCE OF INSPECTORS GENERAL.—

21 (1) INDEPENDENT AUTHORITY.—Nothing in
22 this section shall affect the independent authority of
23 an Inspector General or the Comptroller General to
24 determine whether to conduct an audit or investiga-
25 tion of covered funds.

1 (2) REQUESTS BY COMMITTEE.—If the Com-
2 mittee requests that an Inspector General conduct or
3 refrain from conducting an audit or investigation
4 and such Inspector General rejects such request in
5 whole or in part, such Inspector General shall, not
6 later than 30 days after rejecting the request, sub-
7 mit a report to the appropriate congressional com-
8 mittees. The report shall state the reasons that such
9 Inspector General has rejected the request in whole
10 or in part.

11 (g) COORDINATION WITH THE COMPTROLLER GEN-
12 ERAL AND STATE AUDITORS.—The Committee shall co-
13 ordinate its oversight activities with the Comptroller Gen-
14 eral of the United States and State and local auditors.

15 (h) AUTHORIZATION OF APPROPRIATIONS.—For the
16 purposes of carrying out the mission of the Council of the
17 Inspectors General on Integrity and Efficiency under sec-
18 tion 11 of the Inspector General Act of 1978 (5 U.S.C.
19 App.) and to carry out this section, there are authorized
20 to be appropriated into the revolving fund described in
21 subsection (c)(3)(B) of such section, out of any amount
22 in the Treasury not otherwise appropriated, \$60,000,000
23 to carry out the duties and functions of the Council.

1 (i) TERMINATION OF THE COMMITTEE.—The Com-
2 mittee and its authorities and responsibilities shall termi-
3 nate on the later of—

4 (1) the date the last grant administered under
5 this Act is expended;

6 (2) the date the last contract administered
7 under this Act expires;

8 (3) the date the last loan or loan guarantee pro-
9 vided under this Act matures or expires, as appro-
10 priate; or

11 (4) the date the last instrument or asset ac-
12 quired by the Federal Government has been sold or
13 transferred out of the ownership or control of the
14 Federal Government, or otherwise disposed of.

15 (j) DEFINITIONS.—In this section:

16 (1) COMMITTEE.—The term “Committee”
17 means the Coronavirus Accountability and Trans-
18 parency Committee established in subsection (a).

19 (2) COVERED FUNDS.—The term “covered
20 funds” means any funds that are made available, in
21 any form, under this Act.

22 (3) RECIPIENT.—The term “recipient” means a
23 recipient of Federal funds under this Act.

24 (4) APPROPRIATE CONGRESSIONAL COMMIT-
25 TEES.—The term “appropriate congressional com-

1 mittees” means the Committees on Appropriations
2 and Homeland Security of the Senate and Commit-
3 tees on Appropriations and Oversight and Reform in
4 the House of Representatives.

5 **SEC. 130002. GAO OVERSIGHT AND AUDIT AUTHORITY.**

6 (a) **AUTHORITY.**—The Comptroller General shall con-
7 duct monitoring and oversight of the exercise of authori-
8 ties under this Act or any other Act to prepare for, re-
9 spond to, and recover from the Coronavirus pandemic and
10 the effect of the pandemic on the health, economy, and
11 public and private institutions of the United States, in-
12 cluding public health and homeland security efforts by the
13 Federal Government and the use of selected funds under
14 this or any other Act related to the Coronavirus pandemic.

15 (b) **BRIEFINGS AND REPORTS.**—In conducting moni-
16 toring and oversight under subsection (a), the Comptroller
17 General shall—

18 (1) during the period beginning on the date of
19 enactment of this Act and ending on the date on
20 which the national emergency declared by the Presi-
21 dent under the National Emergencies Act (50
22 U.S.C. 1601 et seq.) with respect to the Coronavirus
23 Disease 2019 expires, offer regular briefings on not
24 less frequently than a monthly basis to the appro-

1 appropriate congressional committees regarding Federal
2 public health and homeland security efforts;

3 (2) publish reports regarding the ongoing moni-
4 toring and oversight efforts, which, along with any
5 audits and investigations conducted by the Comp-
6 troller General, shall be submitted to the appropriate
7 congressional committees and posted on the website
8 of the Government Accountability Office—

9 (A) not later than 90 days after the date
10 of enactment of this Act, every other month
11 thereafter until the date that is 1 year after the
12 date of enactment of this Act; and

13 (B) after the period described in subpara-
14 graph (A), on a periodic basis; and

15 (3) submit to the appropriate congressional
16 committees additional reports as warranted by the
17 findings of the monitoring and oversight activities of
18 the Comptroller General.

19 (c) ACCESS TO INFORMATION.—

20 (1) RIGHT OF ACCESS.—In conducting moni-
21 toring and oversight activities under this section, the
22 Comptroller General shall have access to records,
23 upon request, of any Federal, State, or local agency,
24 contractor, grantee, recipient, or subrecipient per-
25 taining to any Federal effort or assistance of any

1 type related to Coronavirus under this Act or any
2 other Act, including private entities receiving such
3 assistance.

4 (2) COPIES.—The Comptroller General may
5 make and retain copies of any records accessed
6 under paragraph (1) as the Comptroller General de-
7 termines appropriate.

8 (3) INTERVIEWS.—In addition to such other au-
9 thorities as are available, the Comptroller General or
10 a designee of the Comptroller General may interview
11 Federal, State, or local officials, contractor staff,
12 grantee staff, recipients, or subrecipients pertaining
13 to any Federal effort or assistance of any type re-
14 lated to Coronavirus under this or any other Act, in-
15 cluding private entities receiving such assistance.

16 (4) INSPECTION OF FACILITIES.—As deter-
17 mined necessary by the Comptroller General, the
18 Government Accountability Office may inspect facili-
19 ties at which Federal, State, or local officials, con-
20 tractor staff, grantee staff, or recipients or sub-
21 recipients carry out their responsibilities related to
22 Coronavirus.

23 (5) ENFORCEMENT.—Access rights under this
24 subsection shall be subject to enforcement consistent
25 with section 716 of title 31, United States Code.

1 (d) RELATIONSHIP TO EXISTING AUTHORITY.—
2 Nothing in this section shall be construed to limit, amend,
3 supersede, or restrict in any manner any existing author-
4 ity of the Comptroller General.

5 [(e) APPROPRIATIONS FOR GOVERNMENT ACCOUNT-
6 ABILITY OFFICE.—Out of amounts in the Treasury not
7 otherwise appropriated, there is appropriated, for an addi-
8 tional amount for “Government Accountability Office—
9 Salaries and Expenses”, \$50,000,000, to remain available
10 until expended, for audits and investigations relating to—

11 [(1) Coronavirus or similar pandemics; and

12 [(2) any related stimulus funding to assist the
13 response of the United States to the major health
14 and economic vulnerabilities of the United States to
15 pandemics.]

16 (f) DEFINITIONS.—In this section:

17 (1) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES.—The term “appropriate congressional com-
19 mittees” means—

20 (A) the Committee on Appropriations of
21 the Senate;

22 (B) the Committee on Homeland Security
23 and Governmental Affairs of the Senate;

24 (C) the Committee on Health, Education,
25 Labor, and Pensions of the Senate;

1 (D) the Committee on Appropriations of
2 the House of Representatives;

3 (E) the Committee on Homeland Security
4 of the House of Representatives;

5 (F) the Committee on Oversight and Re-
6 form of the House of Representatives; and

7 (G) the Committee on Energy and Com-
8 merce of the House of Representatives.

9 (2) COMPTROLLER GENERAL.—The term
10 “Comptroller General” means the Comptroller Gen-
11 eral of the United States.

12 **DIVISION N—U.S. POSTAL**
13 **SERVICE PROVISIONS**

14 **SEC. 140001. ELIMINATION OF USPS DEBT; ADDITIONAL**
15 **BORROWING AUTHORITY.**

16 (a) IN GENERAL.—Notwithstanding any other provi-
17 sion of law—

18 (1) any outstanding debt of the United States
19 Postal Service owed to the Treasury pursuant to sec-
20 tions 2005 and 2011 of title 5, United States Code,
21 on the date of the enactment of this Act is hereby
22 cancelled; and

23 (2) after the date of the enactment of this Act,
24 the United States Postal Service is authorized to
25 borrow money from the Treasury in an amount not

1 to exceed \$15,000,000,000 to carry out the duties
2 and responsibilities of the Postal Service, including
3 those under title 39, United States Code, and the
4 Secretary of the Treasury shall lend up to such
5 amount at the request of the Postal Service.

6 (b) REPEAL OF FISCAL YEAR BORROWING LIMIT.—
7 Section 2005(a)(1) of title 39, United States Code, is
8 amended by striking “In any one fiscal year,” and all that
9 follows through the period.

10 **SEC. 140002. PRIORITIZATION OF DELIVERY FOR MEDICAL**
11 **PURPOSES DURING COVID-19 EMERGENCY.**

12 Notwithstanding any other provision of law, the
13 United States Postal Service—

14 (1) shall prioritize delivery of postal products
15 for medical purposes during the emergency, declared
16 by the President under section 501 of the Robert T.
17 Stafford Disaster Relief and Emergency Assistance
18 Act (42 U.S.C. 5191) on March 13, 2020, based on
19 the outbreak of COVID-19;

20 (2) may establish temporary delivery points, in
21 such form and manner as the Postal Service deter-
22 mines necessary, to protect employees of the Postal
23 Service and individuals receiving deliveries from the
24 Postal Service; and

1 (3) may institute flexible delivery, in such form
2 and manner as the Postal Service determines nec-
3 essary, in the event operations or employees of the
4 Postal Service are impacted by the COVID–19 out-
5 break described in paragraph (1).

6 **DIVISION O—FEDERAL**
7 **WORKFORCE PROVISIONS**

8 **SEC. 150001. REIMBURSEMENT FOR CHILD AND FAMILY**
9 **CARE FOR FEDERAL EMPLOYEES DURING**
10 **COVID–19 PANDEMIC.**

11 (a) **IN GENERAL.**—During the period beginning on
12 the date of enactment of this Act and ending on December
13 31, 2020, any employee who is unable to care for a de-
14 pendent child of the employee or a relative of the employee
15 who has COVID–19 as a result of the employee being re-
16 quired to report to their duty station (either permanent
17 or temporary) or to telework shall be entitled to reim-
18 bursement for the costs of such care.

19 (b) **APPLICATION.**—

20 (1) **IN GENERAL.**—Any payment provided by
21 operation of subsection (a) shall be paid on a month-
22 ly basis, with payments being made to the employee
23 on the last day of each month.

24 (2) **SUBMISSION OF RECEIPTS.**—For purposes
25 of determining reimbursement amounts, each em-

1 ployee shall submit to their employing office receipts
2 or other documents as the office may require.

3 (3) LIMIT.—Reimbursement may not be paid to
4 any employee under this section for any month in an
5 amount greater than \$2,000 per child or relative.

6 (c) DEFINITIONS.—In this section—

7 (1) the term “employee” means any individual
8 occupying a position in the civil service (as that term
9 is defined in section 2101(1) of title 5, United
10 States Code); and

11 (2) the terms “dependent child” and “relative”
12 have the meaning given those terms in paragraphs
13 (2) and (16), respectively, of section 109 of the Eth-
14 ics in Government Act of 1978 (5 U.S.C. App.
15 109(2)).

16 **SEC. 150002. FEDERAL CONTRACTOR REIMBURSEMENT.**

17 Not later than 10 calendar days after the date of the
18 enactment of this Act, the Director of the Office of Man-
19 agement and Budget, in consultation with the Adminis-
20 trator of the Office of Federal Procurement Policy, shall
21 issue guidance to the head of each executive agency to pro-
22 vide equitable adjustment for any contractor under a con-
23 tract with the Federal Government whose work was dis-
24 rupted as a result of measures taken with respect to
25 COVID–19. For purposes of this section, work disruption

1 shall include denial of access to Federal facilities, supply
2 chain disruptions, use of annual leave by individuals em-
3 ployed to fulfill the contract, and furloughs of individuals
4 employed to fulfill the contract.

5 **SEC. 150003. WEATHER AND SAFETY LEAVE FOR COVID-19.**

6 (a) IN GENERAL.—Beginning on the date of enact-
7 ment of this Act and ending on December 31, 2020, sub-
8 section (b)(3) of section 6329c of title 5, United States
9 Code, shall be applied by substituting “approved location,
10 including by reason of the inability to travel or access work
11 stations as a result of COVID-19” for “approved loca-
12 tion”.

13 (b) APPROVED LOCATION.—Such section is amended
14 in subsection (a)—

15 (1) by striking “and” at the end of paragraph
16 (1);

17 (2) by striking the period at the end of para-
18 graph (2) and inserting “; and”; and

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

20 “(3) the term ‘approved location’ means any lo-
21 cation at which an employee has been approved to
22 perform work, including any Federal office, a tele-
23 working site, or other location as determined by the
24 head of the agency at which the employee is em-
25 ployed.”.

1 (c) RULE OF CONSTRUCTION.—Notwithstanding sub-
2 paragraph (B) of subsection (a)(2) of such section, inter-
3 mittent employees described in such subparagraph shall
4 be eligible for the leave provided by operation of subsection
5 (a) of this section.

6 **SEC. 150004. COVID-19 TELEWORKING REQUIREMENTS FOR**
7 **FEDERAL EMPLOYEES.**

8 (a) MANDATED TELEWORK.—

9 (1) IN GENERAL.—Effective immediately upon
10 the date of enactment of this Act, the head of any
11 Federal agency shall require any employee of such
12 agency who is authorized to telework under chapter
13 65 of title 5, United States Code, or any other provi-
14 sion of law to telework during the period beginning
15 on the date of enactment of this Act and ending on
16 December 31, 2020.

17 (2) DEFINITIONS.—In this subsection—

18 (A) the term “employee” means any indi-
19 vidual occupying a position in the civil service
20 (as that term is defined in section 2101(1) of
21 title 5, United States Code); and

22 (B) the term “telework” has the meaning
23 given that term in section 6501(3) of such title.

24 (b) TELEWORK PARTICIPATION GOALS.—Chapter 65
25 of title 5, United States Code, is amended as follows:

1 (1) In section 6502—

2 (A) in subsection (b)—

3 (i) in paragraph (4), by striking
4 “and” at the end;

5 (ii) in paragraph (5), by striking the
6 period at the end and inserting a semi-
7 colon; and

8 (iii) by adding at the end the fol-
9 lowing:

10 “(6) include annual goals for increasing the
11 percent of employees of the executive agency partici-
12 pating in teleworking—

13 “(A) three or more days per pay period;

14 “(B) one or 2 days per pay period;

15 “(C) once per month; and

16 “(D) on an occasional, episodic, or short-
17 term basis; and

18 “(7) include methods for collecting data on, set-
19 ting goals for, and reporting costs savings to the ex-
20 ecutive agency achieved through teleworking, con-
21 sistent with the guidance developed under section
22 2(c) of the [_____ Act].”; and

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

24 “(d) NOTIFICATION FOR REDUCTION IN TELE-
25 WORKING PARTICIPATION.—Not later than 30 days before

1 the date that an executive agency implements or modifies
2 a teleworking plan that would reduce the percentage of
3 employees at the agency who telework, the head of the ex-
4 ecutive agency shall provide written notification, including
5 a justification for the reduction in telework participation
6 and a description of how the agency will pay for any in-
7 creased costs resulting from that reduction, to—

8 “(1) the Director of the Office of Personnel
9 Management;

10 “(2) the Committee on Oversight and Reform
11 of the House of Representatives; and

12 “(3) the Committee on Homeland Security and
13 Governmental Affairs of the Senate.

14 “(e) PROHIBITION ON AGENCY-WIDE LIMITS ON
15 TELEWORKING.—An agency may not prohibit any delin-
16 eated period of teleworking participation for all employees
17 of the agency, including the periods described in subpara-
18 graphs (A) through (D) of subsection (b)(6). The agency
19 shall make any teleworking determination with respect to
20 an employee or group of employees at the agency on a
21 case-by-case basis.”.

22 (2) In section 6506(b)(2)—

23 (A) in subparagraph (F)(vi), by striking
24 “and” at the end;

1 (B) in subparagraph (G), by striking the
2 period at the end and inserting a semicolon;
3 and

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

5 “(H) agency cost savings achieved through
6 teleworking, consistent with the guidance devel-
7 oped under section 2(e) of the Telework Metrics
8 and Cost Savings Act; and

9 “(I) a detailed explanation of a plan to in-
10 crease the Government-wide teleworking partici-
11 pation rate above such rate applicable to fiscal
12 year 2016, including agency-level plans to main-
13 tain or improve such rate for each of the tele-
14 working frequency categories listed under sub-
15 paragraph (A)(iii).”.

16 (c) GUIDANCE.—Not later than 90 days after the
17 date of the enactment of this Act, the Director of the Of-
18 fice of Personnel Management, in collaboration with the
19 Chief Human Capital Officer Council, shall establish uni-
20 form guidance for agencies on how to collect data on, set
21 goals for, and report cost savings achieved through, tele-
22 working. Such guidance shall account for cost savings re-
23 lated to travel, energy use, and real estate.

1 (d) TECHNICAL CORRECTION.—Section 6506(b)(1)
2 of title 5, United States Code, is amended by striking
3 “with Chief” and inserting “with the Chief”.

4 **SEC. 150005. PAY DIFFERENTIAL FOR DUTY RELATED TO**
5 **COVID-19.**

6 (a) IN GENERAL.—Section 5545 of title 5, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 “(e)(1) The Office shall establish a schedule or sched-
10 ules of pay differentials for duty during which an employee
11 is exposed to an individual who has (or who has been ex-
12 posed to) COVID-19.

13 “(2) Under such regulations as the Office may pre-
14 scribe, during the period beginning on March 15, 2020,
15 and ending on September 30, 2020, an employee to whom
16 chapter 51 and subchapter III of chapter 53 applies, and
17 an employee appointed under chapter 73 or 74 of title 38,
18 is entitled to be paid the differential under paragraph (1)
19 for any period in which the employee is carrying out the
20 duty described in such paragraph.”.

21 (b) TSA EMPLOYEES.—Section 111(d)(2) of the
22 Aviation and Transportation Security Act (49 U.S.C.
23 44935 note) is amended by adding at the end the fol-
24 lowing:

1 “(C) HAZARDOUS DUTY PAY FOR COVID—
2 19.—The provisions of section 5545(e) of title
3 5, United States Code, shall to apply to any in-
4 dividual appointed under paragraph (1).”.

5 **DIVISION P—FEDERAL EM-**
6 **EMPLOYEE COLLECTIVE BAR-**
7 **GAINING AND OFFICIAL TIME**

8 **SEC. 160001. SHORT TITLE.**

9 This division may be cited as the “Protecting Collec-
10 tive Bargaining and Official Time for Federal Workers
11 Act”.

12 **SEC. 160002. FINDINGS.**

13 Congress finds the following:

14 (1) Federal Unions play a critical role in pro-
15 tecting the rights of Federal workers by allowing
16 members to have a collective voice on the job and in
17 the legislative process, advance issues for working
18 families, ensure equal opportunities for all workers,
19 and raise the standards by which all professional
20 and technical workers are employed.

21 (2) Collective bargaining is essential to the
22 union process, because it provides mutual agreement
23 between all parties that fosters harmonious relation-
24 ships between the Federal Government and its em-
25 ployees and protects the interest of both parties.

1 (3) The current administration has acted
2 through Executive Orders and official memorandums
3 to dismantle Federal Unions and undermine their
4 collective bargaining rights across the Federal work-
5 force and these directives have already negatively
6 impacted labor contracts, both signed and under ac-
7 tive negotiation.

8 (4) These orders set an aggressive schedule for
9 unions to engage in collective bargaining, while also
10 slashing the unions official time for performing
11 union duties by over 91 percent in some cases.
12 These actions are limiting the ability for unions to
13 prepare for negotiations and perform their legally re-
14 quired employee representational duties.

15 (5) Section 7101(a) of title 5, United States
16 Code, states, “Congress finds that labor organiza-
17 tions and collective bargaining in the civil service are
18 in the public interest.”. Attempting to eliminate the
19 Union by eliminating almost all its official time re-
20 pudiates the statutory position that unions are in
21 the public interest.

22 (6) Through these orders, agencies are required
23 to comply with artificial bargaining schedules, which
24 undermine good faith negotiations and divert the de-
25 cision-making to an impasse panel, which has no

1 union representation on it and does not represent
2 both parties.

3 (7) Collectively, the administration's actions
4 have violated Congressional intent, undermined the
5 ability of unions to engage in collective bargaining,
6 and threatened the rights and benefits of millions of
7 Federal workers.

8 **SEC. 160003. NULLIFICATION OF EXECUTIVE ORDERS RE-**
9 **LATING TO FEDERAL EMPLOYEE COLLEC-**
10 **TIVE BARGAINING.**

11 Each of the following Executive Orders and presi-
12 dential memorandum are rescinded and shall have no force
13 or effect:

14 (1) Executive Order 13837 (relating to the use
15 of official time).

16 (2) Executive Order 13836 (relating to Federal
17 collective bargaining).

18 (3) Executive Order 13839 (relating to the
19 Merit Systems Protection Board).

20 (4) The Presidential Memorandum on the Dele-
21 gation of Certain Authority under the Federal Serv-
22 ice Labor-Management Relations Statute, issued to
23 the Secretary of Defense on January 29, 2020.

1 **DIVISION Q—STUDENT VETERAN**
2 **CORONAVIRUS RESPONSE**
3 **ACT OF 2020**

4 **SEC. 170001. SHORT TITLE.**

5 This division may be cited as the “Student Veteran
6 Coronavirus Response Act of 2020”.

7 **SEC. 170002. PAYMENT OF WORK-STUDY ALLOWANCES DUR-**
8 **ING EMERGENCY SITUATIONS.**

9 Section 3485 of title 38, United States Code, is
10 amended by adding at the end the following new sub-
11 section:

12 “(f)(1) In case of an individual who is in receipt of
13 work-study allowance pursuant to an agreement described
14 in subsection (a)(3) as of the date on which an emergency
15 situation occurs and who is unable to continue to perform
16 qualifying work-study activities described in subsection
17 (a)(4) by reason of the emergency situation—

18 “(A) the Secretary may continue to pay work-
19 study allowance under this section or make deduc-
20 tions described in subsection (e)(1) during the pe-
21 riod of such emergency situation, notwithstanding
22 the inability of the individual to perform such work-
23 study activities by reason of such emergency situa-
24 tion; and

1 “(B) at the option of the individual, the Sec-
2 retary shall extend the agreement described in sub-
3 section (a)(3) with the individual for any subsequent
4 period of enrollment initiated during the emergency
5 situation, notwithstanding the inability of the indi-
6 vidual to perform work-study activities described in
7 subsection (a)(4) by reason of such emergency situa-
8 tion.

9 “(2) The amount of work-study allowance payable to
10 an individual under paragraph (1)(A) during the period
11 of an emergency situation shall be an amount determined
12 by the Secretary but may not exceed the amount that
13 would be payable under subsection (a)(2) if the individual
14 worked 25 hours per week paid during such period.”.

15 **SEC. 170003. PAYMENT OF ALLOWANCES TO VETERANS EN-**
16 **ROLLED IN EDUCATIONAL INSTITUTIONS**
17 **CLOSED FOR EMERGENCY SITUATIONS.**

18 (a) TEMPORARY PROVISION.—

19 (1) IN GENERAL.—During the period beginning
20 on March 1, 2020, and ending on December 21,
21 2020, the Secretary may pay allowances to an eligi-
22 ble veteran or eligible person under section
23 3680(a)(2)(A) of title 38, United States Code, if the
24 veteran or person is enrolled in a program or course
25 of education that—

1 (A) is provided by an educational institu-
2 tion that is closed by reason of an emergency
3 situation; or

4 (B) is suspended by reason of an emer-
5 gency situation.

6 (2) AMOUNT OF ALLOWANCE.—The total num-
7 ber of weeks for which allowances may be paid under
8 this section may not exceed four weeks.

9 (3) NOT COUNTED FOR PURPOSES OF LIMITA-
10 TION.—Any amount paid under this section shall not
11 be counted for purposes of the limitation on
12 allowed under section 3680(a)(2)(A) of title 38,
13 United States Code.

14 (b) PERMANENT PROVISION.—Section 3680(a)(2) of
15 title 38, United States Code, is amended—

16 (1) in subparagraph (A), by striking “12-
17 month” and inserting “six-month”; and

18 (2) in subparagraph (B)—

19 (A) by striking “or following” and insert-
20 ing “during periods following”; and

21 (B) by inserting after “section
22 3699(b)(1)(B) of this title,” the following: “, or
23 during periods when a course of study or pro-
24 gram of education is temporarily closed or ter-
25 minated by reason of an emergency situation,”.

1 **SEC. 170004. PROHIBITION OF CHARGE TO ENTITLEMENT**
2 **OF STUDENTS UNABLE TO PURSUE A PRO-**
3 **GRAM OF EDUCATION DUE TO AN EMER-**
4 **GENCY SITUATION.**

5 Section 3699(b)(1) of title 38, United States Code,
6 is amended—

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

9 (2) in subparagraph (B)(ii), by striking “and”
10 at the end and inserting “or” ; and

11 (3) by adding at the end the following new sub-
12 paragraph:

13 “(C) the temporary closure of an edu-
14 cational institution or the temporary closure or
15 termination of a course or program of education
16 by reason of an emergency situation; and”.

17 **SEC. 170005. EXTENSION OF TIME LIMITATIONS FOR USE**
18 **OF ENTITLEMENT.**

19 (a) MONTGOMERY GI BILL.—Section 3031 of title
20 38, United States Code, is amended by adding at the end
21 the following new subsection:

22 “(i) In the case of an individual eligible for edu-
23 cational assistance under this chapter who is prevented
24 from pursuing the individual’s chosen program of edu-
25 cation before the expiration of the 10-year period for the
26 use of entitlement under this chapter otherwise applicable

1 under this section because the educational institution
2 closed (temporarily or permanently) under an established
3 policy based on an Executive order of the President or
4 due to an emergency situation, such 10-year period—

5 “(1) shall not run during the period the indi-
6 vidual is so prevented from pursuing such program;
7 and

8 “(2) shall again begin running on the first day
9 after the individual is able to resume pursuit of a
10 program of education with educational assistance
11 under this chapter.”.

12 (b) POST-9/11 EDUCATIONAL ASSISTANCE.—

13 (1) IN GENERAL.—Section 3321(b)(1) of such
14 title is amended—

15 (A) by inserting “(A)” before “Sub-
16 sections”;

17 (B) by striking “and (d)” and inserting
18 “(d), and (i)”; and by adding at the end the fol-
19 lowing new subparagraph:

20 “(B) Subsection (i) of section 3031 shall apply
21 with respect to the running of the 15-year period de-
22 scribed in paragraphs (4)(A) and (5)(A) of this sub-
23 section in the same manner as such subsection ap-
24 plies under section 3031 with respect to the running
25 of the 10-year period described in section 3031(a).”.

1 (2) TRANSFER PERIOD.—Section 3319(h)(5) is
2 amended—

3 (A) in subparagraph (A) by inserting “or
4 (C)” after “subparagraph (B)”; and

5 (B) by adding at the end the following new
6 subparagraph:

7 “(C) EMERGENCY SITUATIONS.—In any
8 case in which the Secretary determines that an
9 individual to whom entitlement is transferred
10 under this section has been prevented from pur-
11 suing the individual’s chosen program of edu-
12 cation before the individual attains the age of
13 26 years because the educational institution
14 closed (temporarily or permanently) under an
15 established policy based on an Executive order
16 of the President or due to an emergency situa-
17 tion, the Secretary shall extend the period dur-
18 ing which the individual may use such entitle-
19 ment for a period equal to the number of
20 months that the individual was so prevented
21 from pursuing the program of education, as de-
22 termined by the Secretary.”.

23 (c) VOCATIONAL REHABILITATION AND TRAINING.—

24 (1) PERIOD FOR USE.—Section 3103 of such
25 title is amended—

1 (A) in subsection (a), by striking “or (e)”
2 and inserting “(e), or (g)”; and

3 (B) by adding at the end the following new
4 subsection:

5 “(g) In any case in which the Secretary determines
6 that a veteran has been prevented from participating in
7 a vocational rehabilitation program under this chapter
8 within the twelve-year period of eligibility prescribed in
9 subsection (a) by reason of an Executive order of the
10 President or due to an emergency situation, such twelve-
11 year period—

12 “(1) shall not run during the period the indi-
13 vidual is so prevented from participating such pro-
14 gram; and

15 “(2) shall again begin running on the first day
16 after the individual is able to resume participation in
17 such program.”.

18 (2) DURATION OF PROGRAM.—Section 3105(b)
19 of such title is amended—

20 (A) in paragraph (1), by striking “para-
21 graph (2)” and inserting “paragraphs (2) and
22 (3)”; and

23 (B) by adding at the end the following new
24 paragraph:

1 “(3)(A) In any case in which the Secretary deter-
2 mines that a veteran has been prevented from partici-
3 pating in counseling and placement and postplacement
4 services described in section 3104(a)(2) and (5) of this
5 title by reason of an Executive order of the President or
6 due to an emergency situation, the Secretary shall extend
7 the period during which the Secretary may provide such
8 counseling and placement and postplacement services for
9 the veteran for a period equal to the number of months
10 that the veteran was so prevented from participating in
11 such counseling and services, as determined by the Sec-
12 retary.

13 “(B) In any case in which the Secretary determines
14 that a veteran has been prevented from participating in
15 a vocational rehabilitation program under this chapter by
16 reason of an Executive order of the President or due to
17 an emergency situation, the Secretary shall extend the pe-
18 riod of the veteran’s vocational rehabilitation program for
19 a period equal to the number of months that the veteran
20 was so prevented from participating in the vocational re-
21 habilitation program, as determined by the Secretary.”.

22 (d) EDUCATIONAL ASSISTANCE FOR MEMBERS OF
23 THE SELECTED RESERVE.—Section 16133(b) of title 10,
24 United States Code, is amended by adding at the end the
25 following new paragraph:

1 “(5) In any case in which the Secretary concerned
2 determines that a person entitled to educational assistance
3 under this chapter has been prevented from using such
4 person’s entitlement by reason of an Executive order of
5 the President or due to an emergency situation, the Sec-
6 retary concerned shall extend the period of entitlement
7 prescribed in subsection (a) for a period equal to the num-
8 ber of months that the person was so prevented from using
9 such entitlement, as determined by the Secretary.”.

10 **SEC. 170006. RESTORATION OF ENTITLEMENT TO REHA-**
11 **BILITATION PROGRAMS FOR VETERANS AF-**
12 **FECTED BY SCHOOL CLOSURE OR DIS-**
13 **APPROVAL.**

14 (a) ENTITLEMENT.—Section 3699 of title 38, United
15 States Code, is amended by striking “chapter 30,” each
16 time it appears and inserting “chapter 30, 31,”.

17 (b) PAYMENT OF SUBSISTENCE ALLOWANCES.—Sec-
18 tion 3680(a)(2)(B) of title 38, United States Code, is
19 amended—

20 (1) by inserting “or a subsistence allowance de-
21 scribed in section 3108” before “, during”; and

22 (2) by inserting “or allowance” after “such a
23 stipend”.

24 (c) EFFECTIVE DATE.—The amendments made by
25 this section shall apply as if included in the enactment

1 of section 109 of the Harry W. Colmery Veterans Edu-
2 cational Assistance Act of 2017 (Public Law 115–48; 131
3 Stat. 978).

4 **SEC. 170007. EXTENSION OF PAYMENT OF VOCATIONAL RE-**
5 **HABILITATION SUBSISTENCE ALLOWANCES.**

6 In the case of any veteran who the Secretary of Vet-
7 erans Affairs determines is satisfactorily following a pro-
8 gram of employment services provided under section
9 3104(a)(5) of title 38, United States Code, during period
10 beginning on March 1, 2020, and ending on December 21,
11 2020, the Secretary may pay the veteran a subsistence al-
12 lowance, as prescribed in section 3108 of such title for
13 full-time training for the type of program that the veteran
14 was pursuing, for two additional months.”.

15 **SEC. 170008. INCREASE OF AMOUNT OF DEPARTMENT OF**
16 **VETERANS AFFAIRS PAYMENTS FOR AID AND**
17 **ATTENDANCE DURING EMERGENCY PERIOD**
18 **RESULTING FROM COVID–19 PANDEMIC.**

19 (a) IN GENERAL.—During the covered period, the
20 Secretary of Veterans Affairs shall apply each of the fol-
21 lowing provisions of title 38, United States Code, by sub-
22 stituting for the dollar amount in such provision the
23 amount equal to 125 percent of the dollar amount that
24 was in effect under such provision on the date of the en-
25 actment of this Act:

1 (1) Subsections (l), (m), and (r) of section
2 1114.

3 (2) Paragraphs (1) and (2) of subsection (d) of
4 section 1521.

5 (3) Paragraphs (2) and (4) of subsection (f) of
6 section 1521.

7 (b) COVERED PERIOD.—In this section, the covered
8 period is the period that begins on the date of the enact-
9 ment of this Act and ends 60 days after the last day of
10 the emergency period (as defined in section 1135(g)(1) of
11 the Social Security Act (42 U.S.C. 1320b-5(g)(1))) result-
12 ing from the COVID–19 pandemic.

13 **SEC. 170009. TREATMENT OF WORK INJURY COMPENSA-**
14 **TION CLAIMS FILED BY EMPLOYEES OF THE**
15 **DEPARTMENT OF VETERANS AFFAIRS FOR**
16 **COVID–19.**

17 (a) ELIGIBILITY.—Notwithstanding section 7425(b)
18 of title 38, United States Code, or any other provision of
19 law, each employee of the Department of Veterans Affairs
20 (including employees under chapter 74 of such title) shall
21 be treated as an employee under chapter 81 of title 5,
22 United States Code, for purposes of making claims under
23 such chapter relating to coronavirus disease 2019
24 (COVID–19).

1 (b) PRESUMPTION.—If an employee of the Depart-
2 ment of Veterans Affairs described in subsection (a) con-
3 tracts coronavirus disease 2019 (COVID–19), such dis-
4 ease shall be presumed to have been proximately caused
5 by the employment of the employee for purposes of claims
6 made under chapter 81 of title 5, United States Code.

7 **SEC. 170010. DEFERRAL OF CERTAIN DEBTS ARISING FROM**
8 **LAWS ADMINISTERED BY THE SECRETARY OF**
9 **VETERANS AFFAIRS.**

10 (a) IN GENERAL.—With regard to a covered debt, the
11 Secretary of Veterans Affairs, during the covered period,
12 may not take any of the following actions:

13 (1) Collect a payment (including by the offset
14 of any payment by the Secretary).

15 (2) Record such a debt.

16 (3) Issue notice of such a debt to an individual
17 or a consumer reporting agency.

18 (4) Allow any interest to accrue.

19 (5) Apply any administrative fee.

20 (b) EXCEPTION.—Notwithstanding subsection (a),
21 the Secretary may collect a payment regarding a covered
22 debt (including interest or any administrative fee) from
23 an individual who elects to make such a payment during
24 the covered period.

25 (c) DEFINITIONS.—In this section:

1 (1) The term “consumer reporting agency” has
2 the meaning given that term in section 5701 of title
3 38, United States Code.

4 (2) The term “covered debt” means a debt
5 owed—

6 (A) by an individual to the United States;

7 and

8 (B) arising from a covered law.

9 (3) The term “covered law” means any law ad-
10 ministered by the Secretary of Veterans Affairs
11 through—

12 (A) the Under Secretary for Health; or

13 (B) the Under Secretary of Benefits.

14 (4) The term “covered period” means—

15 (A) the COVID–19 emergency period; and

16 (B) the 60 days immediately following the
17 date of the end of the COVID–19 emergency
18 period.

19 (5) The term “COVID–19 emergency period”

20 means the emergency period described in section

21 1135(g)(1)(B) of the Social Security Act (42 U.S.C.

22 1320b-5(g)(1)(B)).

1 **DIVISION R—AVIATION WORKER**
2 **RELIEF**

3 **SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This division may be cited as the
5 “Emergency Pension Plan Relief Act of 2020”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this division is as follows:

DIVISION _____—AVIATION WORKER RELIEF

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

TITLE I—AVIATION WORKER RELIEF

- Sec. 101. Pandemic relief for aviation workers.
- Sec. 102. Procedures for financial assistance.
- Sec. 103. Terms and conditions.
- Sec. 104. Reports.
- Sec. 105. Coordination.

TITLE II—LABOR PROTECTIONS

- Sec. 201. Assistance irrespective of labor costs.
- Sec. 202. Collective bargaining and snap-back.
- Sec. 203. Protection of organizing activity.
- Sec. 204. Working and travel conditions.
- Sec. 205. Labor union representation on air carrier boards.
- Sec. 206. Furloughed worker protections.
- Sec. 207. Healthcare for unprotected workers.
- Sec. 208. Employee wages and leave.
- Sec. 209. Limitation on rejection of collective bargaining agreements.
- Sec. 210. Increased wage priority.
- Sec. 211. Rejection of collective bargaining agreements.

TITLE III—AIRLINE INDUSTRY FINANCIAL OVERSIGHT

- Sec. 301. Creation of Office of Airline Industry Financial Oversight.
- Sec. 302. Responsibilities of Office of Airline Industry Financial Oversight.
- Sec. 303. Access to information.
- Sec. 304. Reports to Congress.
- Sec. 305. Rulemaking authority.
- Sec. 306. Authorization of appropriations.

TITLE IV—AIRPORT RELIEF

- Sec. 401. Emergency pandemic funding for airports.
- Sec. 402. Maintaining pre-crisis airport improvement program levels.
- Sec. 403. National aviation preparedness plan.

TITLE V—SMALL COMMUNITY AIR SERVICE

- Sec. 501. Continuation of certain air service.
- Sec. 502. Tolling of EAS limitations.
- Sec. 503. Sunset.

TITLE VI—CONSUMER PROTECTIONS

- Sec. 601. Airline price gouging during disaster or emergency.
- Sec. 602. Airline refunds during national disasters or emergencies.
- Sec. 603. Conditions on airline ancillary fees.

TITLE VII—ENVIRONMENTAL PROTECTIONS

- Sec. 701. Sustainable aviation fuel development program.
- Sec. 702. Airline Assistance to Recycle and Save Program.
- Sec. 703. Expansion of voluntary airport low emission program.
- Sec. 704. Airline carbon emissions offsets and goals.
- Sec. 705. Research and development of sustainable aviation fuels.
- Sec. 706. Improving consumer information regarding release of greenhouse gases from flights.
- Sec. 707. Study on certain climate change mitigation efforts.

TITLE VIII—MISCELLANEOUS

- Sec. 801. Separability.
- Sec. 802. Application of law.

1 **SEC. 2. DEFINITIONS.**

2 Unless otherwise specified, the terms in section
3 40102(a) of title 49, United States Code, shall apply to
4 this division, except that—

5 (1) the term “contractor” means a person that
6 performs airport ground support or catering func-
7 tions under contract with a passenger air carrier;
8 and

9 (2) the term “employee” means an individual,
10 other than a corporate officer, who is employed by
11 an air carrier or contractor.

1 **TITLE I—AVIATION WORKER**
2 **RELIEF**

3 **SEC. 101. PANDEMIC RELIEF FOR AVIATION WORKERS.**

4 (a) **FINANCIAL ASSISTANCE.**—Notwithstanding any
5 other provision of law, the President shall take the fol-
6 lowing actions to preserve aviation jobs and compensate
7 airline industry workers:

8 (1) Issue grants that shall exclusively be used
9 for the continuation of payment of employee wages,
10 salaries, and benefits to—

11 (A) specified entities, in an aggregate
12 amount equal to \$37,000,000,000; and

13 (B) contractors of air carriers, in an ag-
14 gregate amount equal to \$3,000,000,000.

15 (2) Subject to section 102(c), issue unsecured
16 loans and loan guarantees to air carriers in amounts
17 that do not, in the aggregate, exceed
18 \$21,000,000,000.

19 (b) **ASSURANCES.**—To be eligible for assistance
20 under this section, an air carrier shall enter into an agree-
21 ment with the Secretary of Transportation, or otherwise
22 certify, as determined appropriate by the President, that
23 such air carrier shall comply with any actions required
24 under this division.

1 (c) ADMINISTRATIVE EXPENSES.—Notwithstanding
2 any other provision of law, the Secretary may use
3 \$100,000,000 of the funds made available under section
4 101(a)(2) for costs and administrative expenses associated
5 with the provision of loans or guarantees authorized under
6 such section.

7 (d) SPECIFIED ENTITY DEFINED.—In this section,
8 the term “specified entity” means—

9 (1) an air carrier that is authorized to conduct
10 operations under part 121 of title 14, Code of Fed-
11 eral Regulations; or

12 (2) an air carrier that is authorized to conduct
13 operations under part 135 of title 14, Code of Fed-
14 eral Regulations, that—

15 (A) transports passengers by aircraft on a
16 scheduled basis; or

17 (B) transports property or mail by aircraft
18 on a scheduled or unscheduled basis.

19 **SEC. 102. PROCEDURES FOR FINANCIAL ASSISTANCE.**

20 (a) AWARDABLE AMOUNTS.—The President shall dis-
21 burse grants under section 101(a)(1)—

22 (1) to a specified entity (as such term is defined
23 in section 101(d)), in an amount equal to the sala-
24 ries and benefits reported by the air carrier to the
25 Department of Transportation pursuant to part 241

1 of title 14, Code of Federal Regulations, for the pe-
2 riod from April 1, 2019, through September 30,
3 2019;

4 (2) to a specified entity (as such term is defined
5 in section 101(d)) that does not transmit reports
6 under such part 241, in an amount that such air
7 carrier certifies, using sworn financial statements or
8 other appropriate data, as the amount of wages, sal-
9 aries, benefits, and other compensation that such air
10 carrier paid the employees of such air carrier during
11 the period from April 1, 2019, through September
12 30, 2019; and

13 (3) to a contractor, in an amount that the con-
14 tractor certifies, using sworn financial statements or
15 other appropriate data, as the amount of wages, sal-
16 aries, benefits, and other compensation that such
17 contractor paid the employees of such contractor
18 during the period from April 1, 2019, through Sep-
19 tember 30, 2019.

20 (b) DEADLINES AND PROCEDURES.—

21 (1) PROCEDURES.—The President shall publish
22 streamlined and expedited procedures—

23 (A) not later than 5 days after the date of
24 enactment of this Act for air carriers and con-

1 tractors to submit requests for compensation
2 under section 101(a)(1); and

3 (B) not later than 30 days after the date
4 of enactment of this Act for air carriers to sub-
5 mit requests for loans and loan guarantees
6 under section 101(a)(2).

7 (2) ISSUANCE OF GRANTS.—The President shall
8 award initial grants under section 101(a)(1) not
9 later than 10 days after the date of enactment of
10 this Act.

11 (3) DISCRETIONARY GRANTS.—For any funds
12 made available under paragraph (1) of section
13 101(a) that remain available after the issuance of
14 grants pursuant to paragraph (2) of such section,
15 the President shall determine an appropriate method
16 for the timely distribution of the remaining funds in
17 an equitable manner to air carriers for the payment
18 of employee wages, salaries, and benefits.

19 (c) INTEREST RATES.—A loan issued under section
20 101(a)(2) shall provide for repayment with no interest for
21 a period of at least 1 year after the loan is issued. The
22 President may otherwise provide for repayment at an in-
23 terest rate commensurate with the level of risk associated
24 with the loan.

1 (d) PRIORITY OF GOVERNMENT CLAIM.—In any pro-
2 ceeding initiated by an air carrier under chapter 7 or 11
3 of title 11, United States Code, with outstanding debt on
4 a loan provided under section 101(a)(2), any claim by the
5 Government with respect to such debt shall assume the
6 highest status of any other claim against such air carrier,
7 whether secured or unsecured.

8 (e) AUDITS.—The inspector general of the Depart-
9 ment of Transportation may audit certifications under
10 subsection (a)(2).

11 **SEC. 103. TERMS AND CONDITIONS.**

12 (a) SHARE REPURCHASES.—

13 (1) IN GENERAL.—Notwithstanding any other
14 provision of law, an air carrier receiving assistance
15 under section 101 may not purchase an equity inter-
16 est of such air carrier on a national securities ex-
17 change using such assistance.

18 (2) NO FORCE OR EFFECT.—Section 240.10b-
19 18 of title 17, Code of Federal Regulations, shall
20 have no force or effect.

21 (3) RULE OF CONSTRUCTION.—Nothing in this
22 section may be construed to affect tender offers sub-
23 ject to section 240.13e-4 and sections 240.14e-1
24 through 240.14f-1 of title 17, Code of Federal Reg-
25 ulations.

1 (4) DEFINITIONS.—In this subsection:

2 (A) EXCHANGE.—The term “exchange”
3 has the meaning given the terms in section 3 of
4 the Securities Exchange Act of 1934 (15
5 U.S.C. 78c).

6 (B) NATIONAL SECURITIES EXCHANGE.—
7 The term “national securities exchange” means
8 an exchange registered under section 6 of the
9 Securities Exchange Act of 1934 (15 U.S.C.
10 78f).

11 (b) PROHIBITION ON USE OF FUNDS FOR PAYMENTS
12 TO SHAREHOLDERS OR BONDHOLDERS.—An air carrier
13 receiving financial assistance under section 101 may not
14 use the proceeds of such assistance to make any distribu-
15 tion of funds to shareholders or bondholders, including
16 stock dividends.

17 (c) EXECUTIVE COMPENSATION.—

18 (1) IN GENERAL.—The President may provide
19 financial assistance under section 101 to an air car-
20 rier only if such air carrier enters into a legally
21 binding agreement with the President that, during
22 the 10-year period following the date of enactment
23 of this Act, the air carrier’s chief executive officer
24 will receive, from the air carrier—

1 (A) during any 12 consecutive months of
2 such 10-year period, total compensation not in
3 excess of an amount that is 50 times the me-
4 dian compensation earned by all employees of
5 such air carrier in calendar year 2019; and

6 (B) severance pay or other benefits upon
7 termination of employment with the air carrier
8 not in excess of the maximum total compensa-
9 tion received from the air carrier in calendar
10 year 2019.

11 (2) TOTAL COMPENSATION DEFINED.—In this
12 subsection, the term “total compensation” includes
13 salary, bonuses, awards of stock, and other financial
14 benefits provided by an air carrier to an officer or
15 employee of the air carrier.

16 (d) FINANCIAL PROTECTION OF GOVERNMENT.—

17 (1) IN GENERAL.—To the extent to which any
18 participating air carrier accepts financial assistance,
19 in the form of accepting the proceeds of any loans
20 guaranteed by the government under this title, the
21 President is authorized to enter into contracts under
22 which the Government, contingent on the financial
23 success of the participating corporation, participate
24 in the gains of the participating corporation or its
25 security holders through the use of such instruments

1 as warrants, stock options, common or preferred
2 stock, or other appropriate equity instruments.

3 (2) DEPOSITS IN TREASURY.—All amounts col-
4 lected by the President under this subsection shall
5 be deposited in the Treasury as miscellaneous re-
6 ceipts.

7 (e) AIR CARRIER MAINTENANCE OUTSOURCING.—

8 (1) IN GENERAL.—A passenger air carrier re-
9 ceiving assistance under section 101 may not apply
10 the proceeds of such assistance toward a contract for
11 heavy maintenance work at a facility located outside
12 of the United States if such contract would increase
13 the proportion of maintenance work performed out-
14 side of the United States to all maintenance work
15 performed by or on behalf of such air carrier at any
16 location.

17 (2) DEFINITION.—In this section, the term
18 “heavy maintenance work” has the meaning given
19 the term in section 44733(g)(1) of title 49, United
20 States Code.

21 **SEC. 104. REPORTS.**

22 (a) REPORT.—Not later than October 1, 2020, the
23 President shall submit to the Committee on Transpor-
24 tation and Infrastructure of the House of Representatives
25 and the Committee on Commerce, Science, and Transpor-

1 tation of the Senate a report on the financial status of
2 the air carrier industry, including a description of each
3 grant or loan issued under section 101.

4 (b) UPDATE.—Not later than the last day of the 1-
5 year period following the date of enactment of this Act,
6 the President shall update and submit to the Committee
7 on Transportation and Infrastructure of the House of
8 Representatives and the Committee on Commerce,
9 Science, and Transportation of the Senate the report de-
10 scribed in subsection (a).

11 **SEC. 105. COORDINATION.**

12 In implementing this title with respect to air carriers,
13 the Secretary shall coordinate with the Secretary of
14 Transportation.

15 **TITLE II—LABOR PROTECTIONS**

16 **SEC. 201. ASSISTANCE IRRESPECTIVE OF LABOR COSTS.**

17 The President, or any department, agency, or actor
18 of the Federal government, may not condition the provi-
19 sion of any financial assistance under section 101(a) of
20 this [division] or section 13 of the Federal Reserve Act
21 (12 U.S.C. 261 et seq.) on an air carrier's implementation
22 of measures to reduce labor costs or to enter into negotia-
23 tions with the certified bargaining representative of a craft
24 or class of employees of the air carrier under section 2

1 of the Railway Labor Act (45 U.S.C. 152) regarding pay
2 or other terms and conditions of employment.

3 **SEC. 202. COLLECTIVE BARGAINING AND SNAP-BACK.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, any contractual relief or reduction to rates
6 of pay, rules, and working conditions agreed to by the au-
7 thorized representatives of the employees of an air carrier,
8 or otherwise imposed on such employees, during or as re-
9 sult of the pandemic of the coronavirus COVID–19 by an
10 air carrier that receives financial assistance under section
11 101 shall be terminated within 6 months, unless the au-
12 thorized representatives of the employees choose to make
13 an alternative agreement with the air carrier.

14 (b) DEFINITION OF AUTHORIZED REPRESENTA-
15 TIVE.—In this section, the term “authorized representa-
16 tive” means an exclusive representative of employees with-
17 in the meaning of section of the Railway Labor Act (45
18 U.S.C. 152).

19 **SEC. 203. PROTECTION OF ORGANIZING ACTIVITY.**

20 A person receiving financial assistance under section
21 101 shall remain neutral in any communications with em-
22 ployees with respect to any efforts of an employee to orga-
23 nize, recruit, or assist in the organizing a labor organiza-
24 tion.

1 **SEC. 204. WORKING AND TRAVEL CONDITIONS.**

2 A person receiving financial assistance under section
3 101 shall adhere to guidance published by the Centers for
4 Disease Control and Prevention and applicable public
5 health authorities for the duration of the national emer-
6 gency declared by the President under the National Emer-
7 gencies Act (50 U.S.C. 1601 et seq.) related to the pan-
8 demic of the coronavirus COVID-19 for providing safe
9 conditions for employees and passengers, including pro-
10 viding employees with adequate and sufficient personal
11 protective equipment and ensuring all aircraft and facili-
12 ties owned or operated by such air carrier are clean and
13 sanitary.

14 **SEC. 205. LABOR UNION REPRESENTATION ON AIR CAR-**
15 **RIER BOARDS.**

16 An air carrier receiving financial assistance under
17 section 101 shall designate at least one seat on the air
18 carrier's board of directors for an individual who is a
19 member or officer of a labor organization representing air
20 carrier employees, with such individual to be named by
21 such organization.

22 **SEC. 206. FURLOUGHED WORKER PROTECTIONS.**

23 An air carrier receiving financial assistance under
24 section 101 shall take such action as is necessary to ensure
25 that, with respect to the national emergency declared by
26 the President under the National Emergencies Act (50

1 U.S.C. 1601 et seq.) related to the pandemic of the
2 coronavirus COVID–19—

3 (1) if an employee of such air carrier was pro-
4 vided health insurance benefits or other welfare ben-
5 efits described in subparagraph (A) or (B) of section
6 3(1) of the Employee Retirement Income Security
7 Act of 1974 (29 U.S.C. 1002(1)) from the air car-
8 rier prior to such emergency, such employee shall re-
9 tain such benefits at an equivalent rate for the dura-
10 tion of such emergency;

11 (2) employees of such air carrier are credited
12 any furlough time taken as a result of the pandemic
13 for years of service for purposes of any employee
14 benefit plan (as defined in section 3(3) of the Em-
15 ployee Retirement Income Security Act of 1974 (29
16 U.S.C. 1002(3)) with respect to which the employee
17 is a participant; and

18 (3) an employee of such air carrier who is vol-
19 untarily or involuntarily furloughed as a result of
20 the national emergency declared by the President
21 under the National Emergencies Act (50 U.S.C.
22 1601 et seq.) related to the pandemic of the
23 coronavirus COVID–19 may, upon reemployment or
24 recall to such air carrier, be entitled to the following
25 benefits under an employee pension benefit plan that

1 such employee would have received if the employee
2 had remained continuously employed with the air
3 carrier, similar to benefit rights under subchapter II
4 of chapter 43 of title 38, United States Code:

5 (A) An employee shall be treated as not
6 having incurred a break in service with the em-
7 ployer or employers maintaining the plan by
8 reason of the furlough.

9 (B) The period of furlough shall be deemed
10 to constitute service with the employer or em-
11 ployers maintaining the plan for purposes of
12 vesting, participation, and determining the em-
13 ployee's benefit accruals.

14 (C) An employee shall be entitled to make-
15 up missed employee contributions or elective de-
16 ferrals that could have been made to a qualified
17 defined contribution plan during the period of
18 furlough. Makeup contributions under this
19 paragraph may be made during the period be-
20 ginning on the date of recall and whose dura-
21 tion is three times the period of the furlough,
22 such payment period not to exceed 5 years.

23 (D) The employer reemploying or recalling
24 such employee shall contribute all employer con-
25 tributions that the employer would have made

1 on behalf of such employee to qualified defined
2 contribution plans, including plans commonly
3 known as 401(k) plans, if the employee had re-
4 mained continuously employed.

5 (E) If employer contributions to a plan are
6 contingent on the employee making an employee
7 contribution or elective deferral, the employer
8 contribution is required only to the extent the
9 employee makes the payment to the plan with
10 respect to such contributions or deferrals. No
11 such payment may exceed the amount the em-
12 ployee would have been permitted or required to
13 contribute had the employee remained continu-
14 ously employed by the employer throughout the
15 period of service. Any payment to the plan de-
16 scribed in this paragraph shall be made during
17 the period beginning on the date of recall and
18 whose duration is three times the period of the
19 person's furlough, such payment period not to
20 exceed 5 years.

21 **SEC. 207. HEALTHCARE FOR UNPROTECTED WORKERS.**

22 (a) IN GENERAL.—The Secretary may not provide
23 any financial assistance under this Act to an air carrier
24 unless the air carrier enters into a legally binding agree-
25 ment with the Secretary that the air carrier will provide,

1 and will require any contractor, subcontractor, or affiliate
2 of the air carrier, including any contractor, subcontractor,
3 or affiliate that performs airline catering services, to pro-
4 vide, to all employees, including airline catering employees,
5 health insurance benefits equal to or greater than the
6 hourly health and welfare fringe benefit rate published by
7 the Department of Labor pursuant to the McNamara-
8 O'Hara Service Contract Act of 1965 (41 U.S.C. 6710–
9 6707) and section 4.52 of title 29, Code of Federal Regu-
10 lations, for all hours worked by each such employee.

11 (b) EFFECTIVE PERIOD.—Subsection (a) shall apply
12 to an air carrier receiving assistance under section 101
13 for the 5-year period beginning on the date on which such
14 assistance was awarded.

15 (c) DEFINITIONS.—

16 (1) AIRLINE CATERING EMPLOYEE.—The term
17 “airline catering employee” means an employee who
18 performs airline catering services.

19 (2) AIRLINE CATERING SERVICES.—The term
20 “airline catering services” means preparation, as-
21 sembly, or both, of food, beverages, provisions and
22 related supplies for delivery, and the delivery of such
23 items, directly to aircraft or to a location on or near
24 airport property for subsequent delivery to aircraft.

1 **SEC. 208. EMPLOYEE WAGES AND LEAVE.**

2 (a) WAGES.—Section 6 of the Fair Labor Standards
3 Act of 1938 (29 U.S.C. 206) is amended by adding at
4 the end the following:

5 “(h) EMPLOYEES IN INDUSTRIES SAVED WITH TAX-
6 PAYER DOLLARS.—

7 “(1) IN GENERAL.—Notwithstanding any other
8 provision of law, subject to the requirements of this
9 subsection, the wage rate in effect under section
10 (a)(1) with respect to an employee of an employer
11 described in paragraph (2), or any individual who
12 provides labor or services for remuneration for such
13 employer, regardless of whether the individual is
14 classified as an independent contractor or otherwise
15 by such employer, shall be not less than \$15.00 per
16 hour.

17 “(2) EMPLOYER.—An employer described in
18 this paragraph is an employer who—

19 “(A) receives financial assistance under
20 section 101 of the Emergency Pension Plan Re-
21 lief Act of 2020; or

22 “(B) who provides goods or services under
23 a contract to an employer who receives financial
24 assistance under such section.

25 “(3) TREATMENT OF NON-EMPLOYEES.—An in-
26 dividual who provides labor or services for remunera-

1 tion to an employer as described in paragraph (1)
2 shall be treated as an employee for the purposes of
3 sections 10 through 17 of this Act.

4 “(4) PERIOD OF APPLICATION.—This sub-
5 section shall apply to an employer described in para-
6 graph (2) for the 10-year period beginning on the
7 date such assistance was awarded.”.

8 (b) BENEFITS AND LEAVE.— Notwithstanding any
9 other provision of law, an air carrier receiving financial
10 assistance under section 101 shall, for the duration of the
11 national emergency declared by the President under the
12 National Emergencies Act (50 U.S.C. 1601 et seq.) re-
13 lated to the pandemic of the coronavirus COVID–19—

14 (1) satisfy all funding obligations under part 3
15 of title I of the Employee Retirement Income Secu-
16 rity Act of 1974 (29 U.S.C. 1081 et seq.) with re-
17 spect to each plan to which such part applies and to
18 which the air carrier is obligated to contribute for
19 plan years beginning or ending during the duration
20 of such emergency;

21 (2) provide employees with a guaranteed wage
22 for every workweek that provides each employee con-
23 tinued payments in the amount of 100 percent of
24 the employee’s full wages and for the employee’s
25 total expected hours per workweek in the event that

1 the employee is terminated, furloughed, experiences
2 a reduction in work hours, or otherwise suffers any
3 loss of such wages during such period; and

4 (3) provide paid medical or sick leave and paid
5 family leave to encourage employees who are diag-
6 nosed with or experiencing symptoms of COVID-19
7 or are under quarantine relating to the coronavirus
8 pandemic, or caring for a dependent or any indi-
9 vidual experiencing such symptoms or under such a
10 quarantine.

11 **SEC. 209. LIMITATION ON REJECTION OF COLLECTIVE BAR-**
12 **GAINING AGREEMENTS.**

13 (a) DEFINITIONS.—

14 (1) COVERED AIR CARRIER.—The term “cov-
15 ered air carrier” means an air carrier that receives
16 Federal financial assistance.

17 (2) COVERED PERIOD.—The term “covered pe-
18 riod”, with respect to a covered air carrier, means
19 the period—

20 (A) beginning on the date on which the
21 covered air carrier first receives Federal finan-
22 cial assistance; and

23 (B) ending on the date that is 10 years
24 after the date on which the covered air carrier
25 last receives Federal financial assistance.

1 (3) DEBTOR IN POSSESSION.—The term “debt-
2 or in possession” has the meaning given such term
3 in section 1101 of title 11, United States Code.

4 (4) FEDERAL FINANCIAL ASSISTANCE.—The
5 term “Federal financial assistance” means financial
6 assistance or a credit instrument received from the
7 Federal Government under this Act.

8 (5) TRUSTEE.—The term “trustee” means a
9 trustee appointed in a case commenced by, or com-
10 menced against, a covered air carrier under title 11,
11 United States Code.

12 (b) LIMITATION.—If a covered air carrier commences
13 a case or if an involuntary case is commenced against a
14 covered air carrier under title 11, United States Code,
15 during the covered period with respect to the covered air
16 carrier, the covered air carrier, the debtor in possession,
17 or the trustee may not seek a rejection of, or interim relief
18 from, a collective bargaining agreement under—

19 (1) section 1113 of title 11, United States
20 Code; or

21 (2) any other provision of law.

22 **SEC. 210. INCREASED WAGE PRIORITY.**

23 Section 507(a) of title 11, United States Code, is
24 amended—

25 (1) in paragraph (4)—

1 (A) by redesignating subparagraphs (A)
2 and (B) as clauses (i) and (ii), respectively;

3 (B) in the matter preceding clause (i), as
4 so redesignated, by inserting “(A)” before
5 “Fourth”;

6 (C) in subparagraph (A), as so designated,
7 in the matter preceding clause (i), as so redesi-
8 gnated—

9 (i) by striking “\$10,000” and insert-
10 ing “\$20,000”;

11 (ii) by striking “within 180 days”;

12 and

13 (iii) by striking “or the date of the
14 cessation of the debtor’s business, which-
15 ever occurs first,”; and

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

17 “(B) Severance pay described in subpara-
18 graph(A)(i) shall be deemed earned in full upon
19 the layoff or termination of employment of the
20 individual to whom the severance is owed.”;

21 (2) in paragraph (5)—

22 (A) in subparagraph (A)—

23 (i) by striking “within 180 days”; and

1 (ii) by striking “or the date of the
2 cessation of the debtor’s business, which-
3 ever occurs first”; and

4 (B) by striking subparagraph (B) and in-
5 serting the following:

6 “(B) for each such plan, to the extent of
7 the number of employees covered by each such
8 plan, multiplied by \$20,000.”.

9 **SEC. 211. REJECTION OF COLLECTIVE BARGAINING AGREE-**
10 **MENTS.**

11 (a) IN GENERAL.—Section 1113 of title 11, United
12 States Code, is amended by striking subsections (a)
13 through (f) and inserting the following:

14 “(a) The debtor in possession, or the trustee if one
15 has been appointed under this chapter, other than a trust-
16 ee in a case covered by subchapter IV of this chapter and
17 by title I of the Railway Labor Act (45 U.S.C. 151 et
18 seq.), may reject a collective bargaining agreement only
19 in accordance with this section. In this section, a reference
20 to the trustee includes the debtor in possession.

21 “(b) No provision of this title shall be construed to
22 permit the trustee to unilaterally terminate or alter any
23 provision of a collective bargaining agreement before com-
24 plying with this section. The trustee shall timely pay all
25 monetary obligations arising under the terms of the collec-

1 tive bargaining agreement. Any such payment required to
2 be made before a plan confirmed under section 1129 is
3 effective has the status of an allowed administrative ex-
4 pense under section 503.

5 “(c)(1) If the trustee seeks modification of a collec-
6 tive bargaining agreement, the trustee shall provide notice
7 to the labor organization representing the employees cov-
8 ered by the collective bargaining agreement that modifica-
9 tions are being proposed under this section, and shall
10 promptly provide an initial proposal for modifications to
11 the collective bargaining agreement. Thereafter, the trust-
12 ee shall confer in good faith with the labor organization,
13 at reasonable times and for a reasonable period in light
14 of the complexity of the case, in attempting to reach mutu-
15 ally acceptable modifications of the collective bargaining
16 agreement.

17 “(2) The initial proposal and subsequent pro-
18 posals by the trustee for modification of a collective
19 bargaining agreement shall be based upon a business
20 plan for the reorganization of the debtor, and shall
21 reflect the most complete and reliable information
22 available. The trustee shall provide to the labor or-
23 ganization all information that is relevant for nego-
24 tiations. The court may enter a protective order to
25 prevent the disclosure of information if disclosure

1 could compromise the position of the debtor with re-
2 spect to the competitors in the industry of the debt-
3 or, subject to the needs of the labor organization to
4 evaluate the proposals of the trustee and any appli-
5 cation for rejection of the collective bargaining
6 agreement or for interim relief pursuant to this sec-
7 tion.

8 “(3) In consideration of Federal policy encour-
9 aging the practice and process of collective bar-
10 gaining and in recognition of the bargained-for ex-
11 pectations of the employees covered by the collective
12 bargaining agreement, modifications proposed by the
13 trustee—

14 “(A) shall be proposed only as part of a
15 program of workforce and nonworkforce cost
16 savings devised for the reorganization of the
17 debtor, including savings in management per-
18 sonnel costs;

19 “(B) shall be limited to modifications de-
20 signed to achieve a specified aggregate financial
21 contribution for the employees covered by the
22 collective bargaining agreement (taking into
23 consideration any labor cost savings negotiated
24 within the 12-month period before the filing of
25 the petition), and shall be not more than the

1 minimum savings essential to permit the debtor
2 to exit bankruptcy, such that confirmation of a
3 plan of reorganization is not likely to be fol-
4 lowed by the liquidation, or the need for further
5 financial reorganization, of the debtor (or any
6 successor to the debtor) in the short term; and

7 “(C) shall not be disproportionate or overly
8 burden the employees covered by the collective
9 bargaining agreement, either in the amount of
10 the cost savings sought from such employees or
11 the nature of the modifications.

12 “(d)(1) If, after a period of negotiations, the trustee
13 and the labor organization have not reached an agreement
14 over mutually satisfactory modifications, and further ne-
15 gotiations are not likely to produce mutually satisfactory
16 modifications, the trustee may file a motion seeking rejec-
17 tion of the collective bargaining agreement after notice
18 and a hearing. Absent agreement of the parties, no such
19 hearing shall be held before the expiration of the 21-day
20 period beginning on the date on which notice of the hear-
21 ing is provided to the labor organization representing the
22 employees covered by the collective bargaining agreement.
23 Only the debtor and the labor organization may appear
24 and be heard at such hearing. An application for rejection

1 shall seek rejection effective upon the entry of an order
2 granting the relief.

3 “(2) In consideration of Federal policy encour-
4 aging the practice and process of collective bar-
5 gaining and in recognition of the bargained-for ex-
6 pectations of the employees covered by the collective
7 bargaining agreement, the court may grant a motion
8 seeking rejection of a collective bargaining agree-
9 ment only if, based on clear and convincing evi-
10 dence—

11 “(A) the court finds that the trustee has
12 complied with the requirements of subsection
13 (c);

14 “(B) the court has considered alternative
15 proposals by the labor organization and has
16 concluded that such proposals do not meet the
17 requirements of subsection (c)(3)(B);

18 “(C) the court finds that further negotia-
19 tions regarding the proposal of the trustee or
20 an alternative proposal by the labor organiza-
21 tion are not likely to produce an agreement;

22 “(D) the court finds that implementation
23 of the proposal of the trustee shall not—

24 “(i) cause a material diminution in
25 the purchasing power of the employees cov-

1 ered by the collective bargaining agree-
2 ment;

3 “(ii) adversely affect the ability of the
4 debtor to retain an experienced and quali-
5 fied workforce; or

6 “(iii) impair the labor relations of the
7 debtor such that the ability to achieve a
8 feasible reorganization would be com-
9 promised; and

10 “(E) the court concludes that rejection of
11 the collective bargaining agreement and imme-
12 diate implementation of the proposal of the
13 trustee is essential to permit the debtor to exit
14 bankruptcy, such that confirmation of a plan of
15 reorganization is not likely to be followed by liq-
16 uidation, or the need for further financial reor-
17 ganization, of the debtor (or any successor to
18 the debtor) in the short term.

19 “(3) If the trustee has implemented a program
20 of incentive pay, bonuses, or other financial returns
21 for insiders, senior executive officers, or the twenty
22 next most highly compensated employees or consult-
23 ants providing services to the debtor during the
24 bankruptcy, or such a program was implemented
25 within 180 days before the date of the filing of the

1 petition, the court shall presume that the trustee has
2 failed to satisfy the requirements of subsection
3 (c)(3)(C).

4 “(4) In no case shall the court enter an order
5 rejecting a collective bargaining agreement that
6 would result in modifications to a level lower than
7 the level proposed by the trustee in the proposal
8 found by the court to have complied with the re-
9 quirements of this section.

10 “(5) At any time after the date on which an
11 order rejecting a collective bargaining agreement is
12 entered, or in the case of a collective bargaining
13 agreement entered into between the trustee and the
14 labor organization providing mutually satisfactory
15 modifications, at any time after that collective bar-
16 gaining agreement has been entered into, the labor
17 organization may apply to the court for an order
18 seeking an increase in the level of wages or benefits,
19 or relief from working conditions, based upon
20 changed circumstances. The court shall grant the re-
21 quest only if the increase or other relief is not incon-
22 sistent with the standard set forth in paragraph
23 (2)(E).

24 “(e) During a period during which a collective bar-
25 gaining agreement at issue under this section continues

1 in effect and a motion for rejection of the collective bar-
2 gaining agreement has been filed, if essential to the con-
3 tinuation of the business of the debtor or in order to avoid
4 irreparable damage to the estate, the court, after notice
5 and a hearing, may authorize the trustee to implement
6 interim changes in the terms, conditions, wages, benefits,
7 or work rules provided by the collective bargaining agree-
8 ment. Any hearing under this subsection shall be sched-
9 uled in accordance with the needs of the trustee. The im-
10 plementation of such interim changes shall not render the
11 application for rejection moot and may be authorized for
12 not more than 14 days in total.

13 “(f)(1) Rejection of a collective bargaining agreement
14 constitutes a breach of the collective bargaining agree-
15 ment, and shall be effective no earlier than the entry of
16 an order granting such relief.

17 “(2) Notwithstanding paragraph (1), solely for
18 purposes of determining and allowing a claim arising
19 from the rejection of a collective bargaining agree-
20 ment, rejection shall be treated as rejection of an ex-
21 ecutory contract under section 365(g) and shall be
22 allowed or disallowed in accordance with section
23 502(g)(1). No claim for rejection damages shall be
24 limited by section 502(b)(7). Economic self-help by
25 a labor organization shall be permitted upon a court

1 order granting a motion to reject a collective bar-
2 gaining agreement under subsection (d) or pursuant
3 to subsection (e), and no provision of this title or of
4 any other provision of Federal or State law may be
5 construed to the contrary.

6 “(g) The trustee shall provide for the reasonable fees
7 and costs incurred by a labor organization under this sec-
8 tion, upon request and after notice and a hearing.

9 “(h) A collective bargaining agreement that is as-
10 sumed shall be assumed in accordance with section 365.”.

11 (b) PROHIBITION ON MODIFICATION OF RETIREE
12 BENEFITS.—Section 1114 of title 11, United States Code,
13 is further amended by adding at the end the following:

14 “(n) Notwithstanding any other provision in this title,
15 the trustee may not modify retiree benefits if the debtor
16 is an air carrier, as such term is defined in section 40102
17 of title 49, United States Code, or an affiliate of such air
18 carrier, that received assistance under the Emergency
19 Pension Plan Relief Act of 2020.”.

1 **TITLE III—AIRLINE INDUSTRY**
2 **FINANCIAL OVERSIGHT**

3 **SEC. 301. CREATION OF OFFICE OF AIRLINE INDUSTRY FI-**
4 **NANCIAL OVERSIGHT.**

5 (a) IN GENERAL.—There is hereby established, with-
6 in the Office of the Secretary of Transportation, the Office
7 of Airline Industry Financial Oversight.

8 (b) DIRECTOR OF OFFICE.—The office established
9 under this section shall be headed by a Director, who shall
10 be a career employee of the Department of Transportation
11 and selected on the basis of such individual’s knowledge
12 of financial markets, airline operations, and finance, and
13 such other qualifications as the Secretary considers rel-
14 evant.

15 **SEC. 302. RESPONSIBILITIES OF OFFICE OF AIRLINE IN-**
16 **DUSTRY FINANCIAL OVERSIGHT.**

17 The Director of the Office of Airline Industry Finan-
18 cial Oversight shall—

19 (1) assess, not less than once every 12 months,
20 the financial fitness of each passenger air carrier
21 conducting operations under part 121 of title 14,
22 Code of Federal Regulations;

23 (2) determine and prescribe minimum capital
24 and funding requirements for each such air carrier
25 to ensure that no air carrier would be reasonably

1 likely to become insolvent as the result of a substan-
2 tial reduction in demand for air travel following the
3 occurrence of a terror attack, pandemic, or other na-
4 tional or global event that reduces economic activity;

5 (3) require each such air carrier to conduct an
6 annual stress test to determine the extent of finan-
7 cial stress that the air carrier can withstand before
8 becoming financially insolvent, using at least 3 sets
9 of assumptions regarding the severity of financial
10 stress and to report the results of such test to the
11 Office for analysis;

12 (4) based on an analysis of the stress tests per-
13 formed under paragraph (3), annually adjust the
14 minimum capital and funding requirements imposed
15 under paragraph (2); and

16 (5) impose such other requirements, including
17 through the issuance of regulations, as the director
18 determines necessary to ensure the continued oper-
19 ations of air carriers despite an event described in
20 paragraph (2).

21 **SEC. 303. ACCESS TO INFORMATION.**

22 (a) IN GENERAL.—In discharging the responsibilities
23 enumerated in section 302, the director or employees of
24 the office may inspect such financial records in an air car-

1 rier's possession as the director or employees of the office
2 deem appropriate.

3 (b) PROTECTION OF TRADE SECRETS.—The Director
4 and employees of the Office of Airline Industry Financial
5 Oversight shall protect, from public disclosure, any mate-
6 rial containing trade secrets in the Office's custody, in ac-
7 cordance with section 1905 of title 18, United States
8 Code.

9 **SEC. 304. REPORTS TO CONGRESS.**

10 Not later than February 1 of each calendar year, the
11 Director of the office established under section 301 shall
12 submit to the Committee on Transportation and Infra-
13 structure of the House of Representatives and the Com-
14 mittee on Commerce, Science, and Transportation of the
15 Senate a report describing each action taken under section
16 302 during the preceding calendar year.

17 **SEC. 305. RULEMAKING AUTHORITY.**

18 The Secretary may issue such regulations as the Sec-
19 retary determines are necessary to implement the require-
20 ments of this title.

21 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

22 There is authorized to be appropriated to the Sec-
23 retary of Transportation \$3,000,000 for each of fiscal
24 years 2020 through 2023 to carry out this title to remain
25 available until expended.

1 **TITLE IV—AIRPORT RELIEF**

2 **SEC. 401. EMERGENCY PANDEMIC FUNDING FOR AIR-**
3 **PORTS.**

4 (a) **IN GENERAL.**—There is authorized to be appro-
5 priated, from the General Fund of the Treasury,
6 \$10,000,000,000 for the Secretary of Transportation to
7 issue grants to airport sponsors for the purposes of emer-
8 gency response, cleaning, sanitization, janitorial services,
9 staffing, workforce retention, paid leave, procurement of
10 protective health equipment and training for employees
11 and contractors, debt service payments, infrastructure
12 projects and airport operations.

13 (b) **METHODOLOGY FOR DISBURSEMENT.**—Funds
14 shall be apportioned as set forth in clauses (i) and (ii)
15 of section 47114(c)(1)(C) of title 49, United States Code,
16 and there shall be no maximum apportionment limit.
17 Funds provided under this section shall not be subject to
18 reduced apportionment under section 47114(f) of such
19 title. Any remaining funds shall be distributed to sponsors
20 based on each airport's passenger enplanements compared
21 to total passenger enplanements of all airports, for the
22 most recent calendar year the Secretary apportioned funds
23 pursuant to section 47114(c).

24 (c) **HIGH-NEED AIRPORTS.**—The Secretary shall set
25 aside 2 percent of the remaining funds described in sub-

1 section (b) to provide grants to commercial service air-
2 ports or general aviation airports that demonstrate the
3 highest financial need.

4 (d) WORKFORCE RETENTION.—

5 (1) IN GENERAL.—Except as otherwise pro-
6 vided in this subsection, all airports receiving funds
7 under subsection (a) shall continue to employ,
8 through December 31, 2020, at least 90 percent of
9 the number of individuals employed by the airport as
10 of the date of enactment of this Act.

11 (2) WAIVER.—The Secretary may waive the
12 workforce retention requirement under this sub-
13 section 120 days after the date of enactment of this
14 Act if the Secretary determines—

15 (A) the airport is experiencing economic
16 hardship as a direct result of the requirement;
17 or

18 (B) the requirement reduces aviation safe-
19 ty or security.

20 (3) SMALL AIRPORTS.—This subsection shall
21 not apply to nonhub airports or nonprimary airports
22 receiving funds under subsection (c).

23 (e) RELIEF TO AIRPORT CONCESSIONS.—An airport
24 sponsor must use at least 2 percent of any funds received
25 under subsection (a) to provide financial relief to airport

1 concessionaires experiencing economic hardship (in terms
2 of rent, minimum annual guarantees, lease obligations, or
3 other fees). With respect to funds under this subsection,
4 airport sponsors must show good faith efforts to provide
5 relief to small business concerns owned and controlled by
6 socially and economically disadvantaged businesses, as
7 such term is defined under section 47113 of title 49,
8 United States Code.

9 (f) COST SHARE.—The Federal share payable of the
10 costs for which a grant is made under this section or under
11 the Consolidated Appropriations Act, 2020 (Public Law
12 116–94) shall be 100 percent.

13 (g) QUALITY ASSURANCE.—The Secretary shall insti-
14 tute adequate policies, procedures and internal controls to
15 prevent waste, fraud, abuse and program mismanagement
16 for the distribution of funds under this section.

17 (h) AVAILABILITY.—Sums authorized to be appro-
18 priated under this sections shall remain available for 3 fis-
19 cal years.

20 (i) LIMITATIONS.—The funds made available under
21 this section shall not be subject to any limitation on obli-
22 gations set forth in an appropriations Act as applied to
23 the heading “Grants-in-Aid for Airports”.

24 (j) ADMINISTRATIVE COSTS.—The Secretary may re-
25 tain up to 0.1 percent of the funds provided under this

1 section to fund the award and oversight of grants made
2 under this heading.

3 (k) DEFINITIONS.—In this section:

4 (1) AIRPORT CONCESSION.—the term “airport
5 concession” means a business, other than air carrier,
6 located on an airport that is engaged in the sale of
7 consumer goods or services to the public under an
8 agreement with an airport, another concessionaire,
9 or the owner or lessee of a terminal.

10 (2) AIRPORT; GENERAL AVIATION AIRPORT;
11 NONHUB AIRPORT; SPONSOR.—The terms “airport”,
12 “general aviation airport”, “nonhub airport”, and
13 “sponsor” have the meanings given those terms in
14 section 47102 of title 49, United States Code.

15 (3) COMMERCIAL SERVICE AIRPORT.—The term
16 “commercial service airport” means a public use air-
17 port that reported at least 2500 passenger boardings
18 at such airport during fiscal year 2018.

19 **SEC. 402. MAINTAINING PRE-CRISIS AIRPORT IMPROVE-**
20 **MENT PROGRAM LEVELS.**

21 Section 47114(c)(1) of title 49, United States Code,
22 is amended by adding at the end the following:

23 “(J) SPECIAL RULE FOR FISCAL YEARS
24 2021 THROUGH 2023.—Notwithstanding sub-
25 paragraph (A), the Secretary shall apportion to

1 a sponsor of an airport under that subpara-
2 graph for each of fiscal years 2021 through
3 2023 an amount based on the number of pas-
4 senger boardings at the airport during calendar
5 year 2018 if the number of passenger boardings
6 at the airport during calendar year 2018 are
7 higher than the number of passenger boardings
8 that would be otherwise calculated under sub-
9 paragraph (A).”.

10 **SEC. 403. NATIONAL AVIATION PREPAREDNESS PLAN.**

11 (a) IN GENERAL.—The Secretary of Transportation,
12 in coordination with the Secretary of Health and Human
13 Services, the Secretary of Homeland Security and other
14 appropriate stakeholders, shall develop a national aviation
15 preparedness plan for communicable disease outbreaks.

16 (b) CONTENTS OF PLAN.—A plan developed under
17 subsection (a) shall, at a minimum—

18 (1) require involvement from multiple airports
19 on a national level;

20 (2) provide airports and air carriers with an
21 adaptable and scalable framework with which to
22 align their individual plans;

23 (3) improve coordination among airports, air
24 carriers, Customs and Border Patrol, the Centers
25 for Disease Control and Prevention, and other ap-

1 appropriate Federal stakeholders on developing policies
2 that increase the effectiveness of screening, quaran-
3 tining, and contact-tracing with respect to inbound
4 passengers; and

5 (4) fully incorporate elements referenced in the
6 recommendation of the Comptroller General of the
7 United States to the Secretary of Transportation
8 contained in Report No. GAO 16–127.

9 **TITLE V—SMALL COMMUNITY** 10 **AIR SERVICE**

11 **SEC. 501. CONTINUATION OF CERTAIN AIR SERVICE.**

12 (a) ACTION OF SECRETARY.—The Secretary of
13 Transportation shall take appropriate action to ensure
14 that all communities that receive scheduled air service be-
15 fore March 1, 2020, continue to receive adequate air
16 transportation service and that essential air service to
17 small communities continues without interruption and in
18 a manner that maintains well-functioning health care sup-
19 ply chains, including medical device, medical supplies, and
20 pharmaceutical supply chains.

21 (b) ANTITRUST IMMUNITY.—The Secretary may
22 grant an exemption under section 41308 of title 49,
23 United States Code, to 2 air carriers for the limited pur-
24 pose of such cooperation as is necessary to ensure that

1 small communities continue to receive an adequate level
2 of air transportation service.

3 **SEC. 502. TOLLING OF EAS LIMITATIONS.**

4 The Secretary may not order the termination of es-
5 sential air service on the basis of the applicable place fail-
6 ing to meet the definition of an eligible place under sub-
7 paragraph (B) or (C) of section 41731(a)(1) of title 49,
8 United States Code, if such community was otherwise an
9 eligible place as defined under section 41731 of such title
10 on March 1, 2020.

11 **SEC. 503. SUNSET.**

12 The requirements of this title, and any order issued
13 by the Secretary under this title, shall sunset on the day
14 that is 6 months after the last effective date of a national
15 emergency declared by the President under the National
16 Emergencies Act (50 U.S.C. 1601 et seq.) related to the
17 pandemic of the coronavirus COVID–19.

18 **TITLE VI—CONSUMER**
19 **PROTECTIONS**

20 **SEC. 601. AIRLINE PRICE GOUGING DURING DISASTER OR**
21 **EMERGENCY.**

22 (a) IN GENERAL.—Section 41712 of title 49, United
23 States Code, is amended by adding at the end the fol-
24 lowing:

1 “(d) AIRFARE PRICING AND FEES DURING DIS-
2 ASTER OR OTHER EMERGENCY.—

3 “(1) IN GENERAL.—It shall be an unfair or de-
4 ceptive practice under subsection (a) for any ticket
5 agent, air carrier, foreign air carrier, or other person
6 selling or offering to sell a ticket for air transpor-
7 tation on a covered flight to—

8 “(A) impose any unreasonable increase in
9 the price of such ticket, as compared to the
10 ticket price in effect on the day on which a
11 flight becomes a covered flight; and

12 “(B) charge any fee for a change to, or
13 cancellation of, such ticket, or for any dif-
14 ference in fare for an itinerary change.

15 “(2) COVERED FLIGHT DEFINED.—In this sub-
16 section, the term ‘covered flight’ means a flight of
17 an air carrier or foreign air carrier departing from,
18 or arriving at, an airport located in an area with re-
19 spect to which—

20 “(A) a major disaster or emergency de-
21 clared by the President under the Robert T.
22 Stafford Disaster Relief and Emergency Assist-
23 ance Act (42 U.S.C. 5121 et seq.) is in effect
24 and State or local authorities have ordered a
25 mandatory evacuation;

1 “(B) a public health emergency declared
2 pursuant to section 319 of the Public Health
3 Service Act (42 U.S.C. 247d) is in effect;

4 “(C) a national emergency declared by the
5 President under the National Emergencies Act
6 (50 U.S.C. 1601 et seq.) is in effect; or

7 “(D) a restriction on air travel is in effect,
8 including restrictions on non-essential air trans-
9 portation or nationwide bans imposed on air
10 transportation during a disaster, emergency, or
11 pandemic.

12 “(3) SAVINGS PROVISION.—Nothing in this sub-
13 section, or the amendment made by this subsection,
14 may be construed to limit or otherwise affect any re-
15 sponsibility of any ticket agent, air carrier, or for-
16 eign air carrier or other person offering to sell a
17 ticket for air transportation during a major disaster
18 or emergency.”.

19 **SEC. 602. AIRLINE REFUNDS DURING NATIONAL DISASTERS**
20 **OR EMERGENCIES.**

21 (a) IN GENERAL.—Not later than 30 days after the
22 date of enactment of this Act, the Secretary of Transpor-
23 tation shall require that any covered seller who sells a tick-
24 et for a passenger to take a covered flight, and either such
25 flight is cancelled by the air carrier or such ticket is can-

1 celed by the passenger, such covered seller shall promptly
2 offer the passenger a choice of—

3 (1) a full monetary refund for such ticket, in-
4 cluding any ancillary fees paid; and

5 (2) an alternative compensation method deter-
6 mined appropriate by the covered seller, including
7 credit, voucher, or other mechanism to compensate
8 a passenger.

9 (b) CREDIT OR VOUCHER.—An alternative compensa-
10 tion method provided pursuant to subsection (a)(2) may
11 not expire for at least 1 year date of the covered flight.

12 (c) DEFINITIONS.—In this section, the following defi-
13 nitions apply:

14 (1) COVERED FLIGHT.—The term “covered
15 flight” has the meaning given to such term in sec-
16 tion 41712(d) of title 49, United States Code.

17 (2) COVERED SELLER.—The term “covered
18 seller” means a ticket agent, air carrier, foreign air
19 carrier, or other person offering to sell a ticket for
20 air transportation.

21 **SEC. 603. CONDITIONS ON AIRLINE ANCILLARY FEES.**

22 (a) IN GENERAL.—Not later than 90 days after the
23 date of enactment of this Act, the Secretary of Transpor-
24 tation shall require covered air carriers to report to the
25 Secretary of Transportation, not less than quarterly, all

1 ancillary revenues collected by the air carrier during the
2 quarter for which the report is provided.

3 (b) CONTENTS.—In implementing the requirement
4 under paragraph (1), the Secretary shall require reporting
5 of ancillary revenues from, at a minimum, the following
6 optional fees or charges:

7 (1) Booking fees, including fees for telephone
8 reservations.

9 (2) Fees for priority check-in and security
10 screening.

11 (3) Fees for the transportation of carry-on, first
12 checked, second checked, excess, and oversized or
13 overweight baggage.

14 (4) Fees for transportation of in-flight medical
15 equipment.

16 (5) Fees for in-flight entertainment, beverages,
17 and food.

18 (6) Fees for internet access.

19 (7) Fees for seating assignments.

20 (8) Fees for reservation cancellation and
21 change.

22 (9) Charges for lost tickets.

23 (10) Revenue from the sale of travel insurance

24 (11) Fees for unaccompanied minor and pas-
25 senger assistance.

1 (12) Fees for pets.

2 (c) DEFINITIONS.—In this section, the following defi-
3 nitions apply:

4 (1) ANCILLARY REVENUES.—The term “ancil-
5 lary revenues” means charges paid by airline pas-
6 sengers that are not included in the standard ticket
7 fare.

8 (2) COVERED AIR CARRIER.—

9 (A) IN GENERAL.—The term “covered air
10 carrier” means an air carrier covered under
11 part 241 of title 14, Code of Federal Regula-
12 tions.

13 (B) EXCLUSION.—The term “covered air
14 carrier” excludes air carriers with annual reve-
15 nues of less than \$20,000,000.

16 **TITLE VII—ENVIRONMENTAL**
17 **PROTECTIONS**

18 **SEC. 701. SUSTAINABLE AVIATION FUEL DEVELOPMENT**
19 **PROGRAM.**

20 (a) IN GENERAL.—The Secretary of Transportation,
21 in consultation with the Department of Agriculture and
22 the Environmental Protection Agency, may make competi-
23 tive grants to eligible entities to offset the cost of a project
24 to develop, transport, or store sustainable aviation fuels

1 that would reduce United States greenhouse gas emis-
2 sions.

3 (b) SELECTION.—In making grants under subsection
4 (a), the Secretary shall consider—

5 (1) the anticipated public benefits of the
6 project;

7 (2) the potential to increase the commercial ap-
8 plication of sustainable aviation fuels among the
9 United States commercial aviation and aerospace in-
10 dustry;

11 (3) the potential greenhouse gases emitted from
12 the project;

13 (4) the potential for new job creation; and

14 (5) the potential the project has in reducing
15 United States greenhouse gas emissions associated
16 with air travel.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated \$200,000,000 for each
19 of the fiscal years 2021 through 2026 to carry out this
20 section.

21 (d) REPORT.—Not later than October 1, 2024, the
22 Secretary shall submit to the Committee on Commerce,
23 Science, and Transportation, the Committee on Environ-
24 ment and Public Works, and the Committee on Agri-
25 culture, Nutrition, and Forestry of the Senate, and the

1 Committee on Transportation and Infrastructure, the
2 Committee on Energy and Commerce, and the Committee
3 on Agriculture of the House of Representatives, a report
4 describing the results of the grant program authorized by
5 this section. The report shall include the following:

6 (1) A description of the entities and projects
7 that received grants under this section.

8 (2) Description of whether the program is lead-
9 ing to an increase in commercial application of sus-
10 tainable aviation fuels by United States aviation and
11 aerospace industry stakeholders.

12 (3) The economic impacts resulting from the
13 grants to and operation of the project.

14 (e) ELIGIBILITY.—Entities eligible to receive a grant
15 under this section shall include State and local govern-
16 ments, nongovernmental entities, air carriers, airports,
17 and businesses engaged in the development, transpor-
18 tation, or storage of sustainable aviation fuels.

19 (f) DEFINITION OF SUSTAINABLE AVIATION FUEL.—
20 The term “sustainable aviation fuel” means liquid fuel
21 consisting of synthesized hydrocarbons which meets the
22 requirements of ASTM International Standard D7566 or
23 ASTM International Standard D1655, Annex A1, sub-
24 section A.1.2.2, and is derived from biomass (as defined
25 in section 45K(c)(3) of the Internal Revenue Code of

1 1986), waste streams, or gaseous carbon oxides, conforms
2 to the standards, recommended practices and guidance
3 agreed to by the United States pursuant to the European
4 Union Emissions Trading Scheme Prohibition Act of 2011
5 (Public Law 112–200) for addressing aircraft emissions,
6 and achieves at least a 30 percent reduction in greenhouse
7 gas emissions on a lifecycle basis compared to conventional
8 jet fuel.

9 **SEC. 702. AIRLINE ASSISTANCE TO RECYCLE AND SAVE**
10 **PROGRAM.**

11 (a) ESTABLISHMENT.—Not later than 90 days after
12 the date of enactment of this Act, the Secretary shall es-
13 tablish and carry out a program, to be known as the “Air-
14 line Assistance to Recycle and Save Program”, under
15 which the Secretary shall purchase high-polluting aircraft
16 from air carriers in exchange for commitments from such
17 air carriers to purchase fuel-efficient aircraft.

18 (b) APPLICATION.—To be eligible for the program es-
19 tablished under subsection (a), an air carrier shall submit
20 to the Secretary an application at such time, in such man-
21 ner, and containing such information as the Secretary may
22 require, including a description of an high-polluting air-
23 craft of the air carrier.

24 (c) PROGRAM REQUIREMENTS.—

1 (1) LIST OF ELIGIBLE AIRCRAFT.—In carrying
2 out the program established under subsection (a),
3 the Secretary, in consultation with the Adminis-
4 trator, shall prepare, maintain, publicize, and make
5 available through a publicly available website, lists of
6 aircraft that are—

7 (A) high-polluting aircraft; and

8 (B) fuel-efficient aircraft that are on the
9 market or in production.

10 (2) COMMITMENT REQUIREMENT.—In carrying
11 out the program established under subsection (a),
12 the Secretary shall issue such regulations as are nec-
13 essary to set requirements for the commitment to
14 purchase a fuel-efficient aircraft described in sub-
15 section (a), including a timing requirement for the
16 purchase of a fuel-efficient aircraft.

17 (d) USE OF PURCHASED AIRCRAFT.—Notwith-
18 standing any other provision of law, the Secretary may
19 sell, to an air carrier or eligible foreign air carrier, parts
20 or components of aircraft purchased under this division.

21 (e) REGULATIONS.—Not later than 30 days after the
22 date of enactment of this Act, the Secretary shall issue
23 such regulations as are necessary to carry out this section.

24 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to carry out the program established under this

1 section \$1,000,000,000 and such sums shall remain avail-
2 able until expended.

3 (g) DEFINITIONS.—In this section:

4 (1) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the Environ-
6 mental Protection Agency.

7 (2) AIRCRAFT MANUFACTURER.—The term
8 “aircraft manufacturer” has the meaning given such
9 term in section 44301 of title 49, United States
10 Code.

11 (3) ELIGIBLE FOREIGN AIR CARRIER.—

12 (A) IN GENERAL.—The term “eligible for-
13 eign air carrier” means a foreign air carrier as
14 such term is defined in section 40102 of title
15 49, United States Code.

16 (B) EXCLUSION.—The term “eligible for-
17 eign air carrier” does not include a foreign air
18 carrier that—

19 (i) is domiciled in a country that is a
20 state sponsor of terrorism; or

21 (ii) has a majority ownership interest
22 of individuals or entities domiciled in a
23 country that is a state sponsor of ter-
24 rorism.

1 (4) SECRETARY.—The term “Secretary” means
2 the Secretary of Transportation.

3 (5) STATE SPONSOR OF TERRORISM.—The term
4 “state sponsor of terrorism” means a country the
5 government of which the Secretary of State deter-
6 mines has repeatedly provided support for inter-
7 national terrorism pursuant to—

8 (A) section 1754(c)(1)(A) of the Export
9 Control Reform Act of 2018 (50 U.S.C.
10 4318(c)(1)(A));

11 (B) section 620A of the Foreign Assistance
12 Act of 1961 (22 U.S.C. 2371);

13 (C) section 40 of the Arms Export Control
14 Act (22 U.S.C. 2780); or

15 (D) any other provision of law.

16 **SEC. 703. EXPANSION OF VOLUNTARY AIRPORT LOW EMIS-**
17 **SION PROGRAM.**

18 Section 40117 of title 49, United States Code, is
19 amended—

20 (1) in subsection (a)(3)(G) by striking “if the
21 airport is located in an air quality nonattainment
22 area (as defined in section 171(2) of the Clean Air
23 Act (42 U.S.C. 7501(2)) or a maintenance area re-
24 ferred to in section 175A of such act (42 U.S.C.
25 7505a)”;

1 (2) in subsection (b) by adding at the end the
2 following:

3 “(8) PRIORITY OF PROJECTS.—In carrying out
4 this section, the Secretary shall prioritize funding
5 for airports in areas located in an air quality non-
6 attainment area (as defined in section 171(2) of the
7 Clean Air Act (42 U.S.C. 7501(2)) or a maintenance
8 area referred to in section 175A of such act (42
9 U.S.C. 7505a).”.

10 **SEC. 704. AIRLINE CARBON EMISSIONS OFFSETS AND**
11 **GOALS.**

12 (a) CARBON OFFSETTING PROGRAM.—

13 (1) IN GENERAL.—Not later than 90 days after
14 the enactment of this Act, the Administrator of the
15 Federal Aviation Administration shall require each
16 air carrier receiving assistance under section 101, to
17 fully offset the annual carbon emissions of such air
18 carriers for domestic flights beginning in 2025.

19 (2) VERIFICATION.—In issuing regulations and
20 guidance to carry out to paragraph (1), the Admin-
21 istrator shall develop standards and practices to en-
22 sure the use of carbon offsets by air carriers are
23 real, additional, permanent, verifiable, and not dou-
24 ble counted and align with standards, recommended
25 practices, assessment tools, and guidance agreed to

1 by the United States pursuant to the European
2 Union Emissions Trading Scheme Prohibition Act of
3 2011 (Public Law 112–200) for addressing aircraft
4 emissions.

5 (3) AUDITING.—An air carrier covered under
6 this subsection shall take reasonable and continuous
7 measures to ensure any carbon offsets credited to, or
8 purchased by, such carrier continue to be accurate.

9 (4) CERTIFICATION.—The Administrator shall
10 annually certify that an air carrier’s carbon offset-
11 ting program aligns with the standards developed
12 pursuant to paragraph (2).

13 (b) CARBON EMISSIONS GOAL.—

14 (1) IN GENERAL.—The Administrator of the
15 Federal Aviation Administration shall require each
16 air carrier receiving assistance under section 101
17 to—

18 (A) make and achieve a binding commit-
19 ment to reduce the greenhouse gas emissions
20 attributable to the domestic flights of such air
21 carrier in every calendar year, beginning with
22 2021, on a path consistent with a 25 percent
23 reduction in the aviation sector’s emissions
24 from 2005 levels by 2035, and a 50 percent re-
25 duction in the sector’s emissions from 2005 lev-

1 els by 2050, applying the standards, rec-
2 ommended practices, and guidance agreed to by
3 the United States pursuant to the European
4 Union Emissions Trading Scheme Prohibition
5 Act of 2011 (Public Law 112–200) for address-
6 ing aircraft emissions; and

7 (B) submit to the Administrator, annually,
8 a report containing a plan for meeting the com-
9 mitment described in subparagraph (A) and evi-
10 dence of compliance with such commitment, in-
11 cluding the annual emissions of the air carrier,
12 use of alternative fuels, and any other means of
13 implementing such commitment.

14 (2) CERTIFICATION.—

15 (A) IN GENERAL.—Not later than 5 years
16 after the date of enactment of this Act, and not
17 less frequently than every 5 years thereafter,
18 the Administrator shall certify each air carrier
19 covered under this subsection that is taking
20 such actions as are necessary to meet the re-
21 quirements established pursuant to paragraph
22 (1).

23 (B) REMEDIATION.—With respect to any
24 air carrier covered under this subsection that
25 the Administrator does not certify under sub-

1 paragraph (A), the Administrator, in consulta-
2 tion with such air carrier, shall, not later than
3 180 days after the last date on which a certifi-
4 cation could have been made under such sub-
5 paragraph, develop a plan to ensure such air
6 carrier meets the requirements established pur-
7 suant to paragraph (1).

8 (3) PUBLIC INFORMATION.—The Secretary
9 shall make publicly available the reports described in
10 paragraph (1).

11 (4) LIMITATION.—Nothing in this subsection
12 shall affect or alter the authorities and responsibil-
13 ities to address greenhouse gases under any other
14 provision of law.

15 (c) INTERNATIONAL COMPETITIVENESS.—In issuing
16 regulations to carry out to subsection (b) and (c), the Ad-
17 ministrator shall create a mechanism that ensures foreign
18 air carriers that enter the national airspace system have
19 an equivalent emissions reductions target or programs
20 such that the United States airline industry is not at a
21 competitive disadvantage.

22 **SEC. 705. RESEARCH AND DEVELOPMENT OF SUSTAINABLE**
23 **AVIATION FUELS.**

24 There is authorized to be appropriated to the Federal
25 Aviation Administration \$100,000,000 for each of fiscal

1 years 2021 through 2026 for research and development
2 of sustainable aviation fuels.

3 **SEC. 706. IMPROVING CONSUMER INFORMATION REGARD-**
4 **ING RELEASE OF GREENHOUSE GASES FROM**
5 **FLIGHTS.**

6 (a) IN GENERAL.—Not later than January 1, 2023,
7 the Secretary of Transportation shall develop and imple-
8 ment, by regulation, a program to require air carriers that
9 receive assistance under section 101 provide passengers
10 with information regarding greenhouse gas emissions re-
11 sulting from each individual flight that is—

12 (1) customized to account for such emissions
13 associated with each aircraft and the flight route of
14 such aircraft; and

15 (2) made available on the first display of any
16 website selling any ticket for such flight, following a
17 search of a requested itinerary in a format that is
18 easily visible to the purchaser.

19 (b) PUBLIC REPORTING.—The Secretary shall pub-
20 lish monthly data and information that anonymously ag-
21 gregates and analyzes the information provided to indi-
22 vidual passengers under to subsection (a). Such informa-
23 tion and data shall—

24 (1) be accessible to the public on the internet;
25 and

1 (2) identify and quantify the greenhouse gas
2 emissions and relative climate change impact of each
3 passenger air carrier that receives assistance under
4 section 101.

5 **SEC. 707. STUDY ON CERTAIN CLIMATE CHANGE MITIGA-**
6 **TION EFFORTS.**

7 (a) IN GENERAL.—Not later than 90 days after the
8 date of enactment of this Act, the Secretary of Transpor-
9 tation shall seek to enter into an agreement with the Na-
10 tional Academies of Sciences, Engineering, and Medicine
11 (referred to in this section as the “National Academies”)
12 to conduct a study on climate change mitigation efforts
13 with respect to the civil aviation and aerospace industries.

14 (b) STUDY CONTENTS.—In conducting the study
15 under subsection (a), the National Academies shall—

16 (1) identify climate change mitigation efforts,
17 including efforts relating to emerging technologies,
18 in the civil aviation and aerospace industries;

19 (2) develop and apply an appropriate indicator
20 for assessing the effectiveness of such efforts;

21 (3) identify gaps in such efforts;

22 (4) identify barriers preventing expansion of
23 such efforts; and

24 (5) develop recommendations with respect to
25 such efforts.

1 (c) REPORTS.—

2 (1) FINDINGS OF STUDY.—Not later than 1
3 year after the date on which the Secretary enters
4 into an agreement for a study pursuant to sub-
5 section (a), the Secretary shall submit to the appro-
6 priate congressional committees the findings of the
7 study.

8 (2) ASSESSMENT.—Not later than 180 days
9 after the date on which the Secretary submits the
10 findings pursuant to paragraph (1), the Secretary,
11 acting through the Administrator of the Federal
12 Aviation Administration, shall submit to the appro-
13 priate congressional committees a report that con-
14 tains an assessment of the findings.

15 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to the Secretary to carry
17 out this section \$1,500,000.

18 (e) DEFINITIONS.—In this section:

19 (1) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES.—The term “appropriate congressional com-
21 mittees” means the Committee on Transportation
22 and Infrastructure of the House of Representatives,
23 the Committee on Commerce, Science, and Trans-
24 portation of the Senate, and other congressional
25 committees determined appropriate by the Secretary.

1 (2) CLIMATE CHANGE MITIGATION EFFORTS.—
2 The term “climate change mitigation efforts” means
3 efforts, including the use of technologies, materials,
4 processes, or practices, that contribute to the reduc-
5 tion of greenhouse gas emissions.

6 **TITLE VIII—MISCELLANEOUS**

7 **SEC. 801. SEPARABILITY.**

8 If any provision of this division (including any
9 amendment made by this division) or the application
10 thereof to any person or circumstance is held invalid, the
11 remainder of this division (including any amendment
12 made by this division) and the application thereof to other
13 persons or circumstances shall not be affected thereby.

14 **SEC. 802. APPLICATION OF LAW.**

15 Chapter 83 of title 41, United States Code, shall not
16 apply with respect to purchases made in response to—

17 (1) the public health emergency declared on
18 January 31, 2020 under section 319 of the Public
19 Health Service Act (42 U.S.C. 247d); or

20 (2) the emergency declared by the President on
21 March 13, 2020, under section 501 of the Robert T.
22 Stafford Disaster Relief and Emergency Assistance
23 Act (42 U.S.C. 5191) and under any subsequent
24 major disaster declaration under section 401 of such
25 Act that supersedes such emergency declaration.

1 **DIVISION S—SBC PROVISIONS**
2 **DIVISION T—REVENUE**
3 **PROVISIONS**

4 **SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

5 (a) **SHORT TITLE.**—This division may be cited as the
6 “Emergency Pension Plan Relief Act of 2020”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of
8 this division is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HEALTH-RELATED TAX RELIEF

Sec. 101. Payroll credit for COVID–19 charity care provided by hospitals.

Sec. 102. Payroll credit for COVID–19 hospital facility expenditures.

Sec. 103. Restoration of limitations on reconciliation of tax credits for coverage
under a qualified health plan with advance payments of such
credit.

Sec. 104. Improving affordability by reducing premium costs for consumers.

TITLE II—ECONOMIC STIMULUS

Subtitle A—Economic Assistance Payments

Sec. 201. 2020 economic assistance payments to individuals.

Sec. 202. Economic assistance payments to certain Federal beneficiaries.

Subtitle B—Earned Income Tax Credit

Sec. 211. Strengthening the earned income tax credit for individuals with no
qualifying children.

Sec. 212. Taxpayer eligible for childless earned income credit in case of quali-
fying children who fail to meet certain identification require-
ments.

Sec. 213. Credit allowed in case of certain separated spouses.

Sec. 214. Elimination of disqualified investment income test.

Sec. 215. Application of earned income tax credit in possessions of the United
States.

Subtitle C—Child Tax Credit

Sec. 221. Child tax credit fully refundable for 2020 through 2025.

Sec. 222. Application of child tax credit in possessions.

Sec. 223. Increased child tax credit for children who have not attained age 6.

Subtitle D—Dependent Care Assistance

Sec. 231. Refundability and enhancement of child and dependent care tax cred-
it.

Sec. 232. Increase in exclusion for employer-provided dependent care assistance.

Subtitle E—Net Operating Losses

Sec. 241. Five-year carryback of net operating losses and temporary suspension of taxable income limitation.

Subtitle F—Employee Retention Credit

Sec. 251. Payroll credit for certain employers affected by COVID–19.

Subtitle G—Credits for Paid Sick and Family Leave

Sec. 261. Extension of credits.

Sec. 262. Repeal of reduced rate of credit for certain leave.

Sec. 263. Federal, State, and local governments allowed tax credits for paid sick and paid family and medical leave.

Sec. 264. Credits not allowed to certain large employers.

Sec. 265. Effective date.

TITLE III—ADMINISTRATIVE

Sec. 301. Delay of certain deadlines.

TITLE IV—RETIREMENT PROVISIONS

Sec. 401. Special rules for use of retirement funds.

Sec. 402. Single-employer plan funding rules.

Sec. 403. Temporary waiver of required minimum distribution rules for certain retirement plans and accounts.

Sec. 404. Modification of special rules for minimum funding standards for community newspaper plans.

Sec. 405. Application of cooperative and small employer charity pension plan rules to certain charitable employers whose primary exempt purpose is providing services with respect to mothers and children.

Sec. 406. Extended amortization for single employer plans.

Sec. 407. Extension of pension funding stabilization percentages for single employer plans.

TITLE V—REHABILITATION FOR MULTIEMPLOYER PENSIONS

Sec. 501. Short title.

Sec. 502. Pension Rehabilitation Administration; establishment; powers.

Sec. 503. Pension Rehabilitation Trust Fund.

Sec. 504. Loan program for multiemployer defined benefit plans.

Sec. 505. Coordination with withdrawal liability and funding rules.

Sec. 506. Issuance of Treasury bonds.

Sec. 507. Reports of plans receiving pension rehabilitation loans.

Sec. 508. PBGC financial assistance.

1 **TITLE I—HEALTH-RELATED TAX**
2 **RELIEF**

3 **SEC. 101. PAYROLL CREDIT FOR COVID-19 CHARITY CARE**
4 **PROVIDED BY HOSPITALS.**

5 (a) IN GENERAL.—In the case of an employer which
6 is an eligible hospital, there shall be allowed as a credit
7 against the tax imposed by section 3111(a) of the Internal
8 Revenue Code of 1986 for each calendar quarter an
9 amount equal to 90 percent of the COVID-related charity
10 care furnished by such hospital during such calendar quar-
11 ter.

12 (b) LIMITATIONS AND REFUNDABILITY.—

13 (1) CREDIT LIMITED TO CERTAIN EMPLOYMENT
14 TAXES.—The credit allowed by subsection (a) with
15 respect to any calendar quarter shall not exceed the
16 tax imposed by section 3111(a) of such Code for
17 such calendar quarter (reduced by any credits al-
18 lowed under subsection (e) or (f) of section 3111 of
19 such Code, or under section 7001 or 7003 of the
20 Families First Coronavirus Response Act, for such
21 quarter) on the wages paid with respect to the em-
22 ployment of all employees of the employer.

23 (2) REFUNDABILITY OF EXCESS CREDIT.—

24 (A) IN GENERAL.—If the amount of the
25 credit under subsection (a) exceeds the limita-

1 tion of paragraph (1) for any calendar quarter,
2 such excess shall be treated as an overpayment
3 that shall be refunded under sections 6402(a)
4 and 6413(b) of such Code.

5 (B) TREATMENT OF PAYMENTS.—For pur-
6 poses of section 1324 of title 31, United States
7 Code, any amounts due to an employer under
8 this paragraph shall be treated in the same
9 manner as a refund due from a credit provision
10 referred to in subsection (b)(2) of such section.

11 (c) ELIGIBLE HOSPITAL.—For purposes of this sec-
12 tion, the term “eligible hospital” means a subsection (d)
13 hospital as defined in section 1886(d)(1)(B) of the Social
14 Security Act (42 U.S.C. 1395ww(d)(1)(B)) or a critical
15 access hospital (as defined in section 1861(mm)(1) of such
16 Act (42 U.S.C. 1395x(mm)(1)).

17 (d) COVID-RELATED CHARITY CARE.—For purposes
18 of this section—

19 (1) IN GENERAL.—The term “COVID-related
20 charity care” means, with respect to any eligible
21 hospital, so much of the specified charity care fur-
22 nished by such hospital as relates to items and serv-
23 ices furnished in the United States for the treatment
24 of COVID–19 or a related condition.

1 (2) SPECIFIED CHARITY CARE.—The term
2 “specified charity care” means, with respect to an
3 eligible hospital, the cost of charity care of such hos-
4 pital as defined for purposes of the Medicare Cost
5 Report Worksheet S–10.

6 (e) SPECIAL RULES.—

7 (1) DENIAL OF DOUBLE BENEFIT.—For pur-
8 poses of chapter 1 of the Internal Revenue Code of
9 1986, any deduction otherwise allowable under such
10 chapter for any COVID-related charity care shall be
11 reduced by the amount of the credit allowed under
12 this section with respect to such care.

13 (2) DOCUMENTATION.—No credit shall be al-
14 lowed under this section unless the employer main-
15 tains such documentation as the Secretary of the
16 Treasury (or the Secretary’s delegate) may prescribe
17 to establish such employer’s eligibility for the credit
18 allowed under this section (and the amount thereof).

19 (3) ELECTION NOT TO HAVE SECTION APPLY.—
20 This section shall not apply with respect to any em-
21 ployer for any calendar quarter if such employer
22 elects (at such time and in such manner as the Sec-
23 retary of the Treasury (or the Secretary’s delegate)
24 may prescribe) not to have this section apply.

1 (4) CERTAIN TERMS.—Any term used in this
2 section which is also used in chapter 21 of such
3 Code shall have the same meaning as when used in
4 such chapter.

5 (f) REGULATIONS.—The Secretary of the Treasury
6 (or the Secretary’s delegate) shall prescribe such regula-
7 tions or other guidance as may be necessary to carry out
8 the purposes of this section, including—

9 (1) regulations or other guidance (prescribed
10 after consultation with the Secretary of Health and
11 Human Services) which identify specific items and
12 services which are considered for purposes of sub-
13 section (d)(1) to be for the treatment of COVID–19
14 or a related condition,

15 (2) regulations or other guidance to effectuate
16 the purposes of the limitations under this section,

17 (3) regulations or other guidance to minimize
18 compliance and record-keeping burdens under this
19 section,

20 (4) regulations or other guidance providing for
21 a waiver of penalties for the failure to deposit taxes
22 imposed under section 3111(a) of such Code in an-
23 ticipation of the allowance of the credit allowed
24 under this section,

1 (5) regulations or other guidance for recap-
2 turing the benefit of credits determined under this
3 section in cases where there is a subsequent adjust-
4 ment to the credit determined under subsection (a),
5 and

6 (6) regulations or other guidance regarding the
7 treatment of certified professional employer organi-
8 zations, as described in section 3511 of such Code.
9 (g) APPLICATION OF SECTION.—

10 (1) IN GENERAL.—This section shall apply only
11 to COVID-related charity care which is furnished
12 during the period beginning on February 1, 2020,
13 and ending on December 31, 2020.

14 (2) TREATMENT OF CERTAIN CARE FURNISHED
15 BEFORE DATE OF ENACTMENT.—For purposes of
16 this section, any COVID-related charity care which
17 is furnished after January 31, 2020, and before the
18 calendar quarter which includes the date of the en-
19 actment of this Act shall be treated as having been
20 furnished in such calendar quarter.

21 (h) TRANSFERS TO FEDERAL OLD-AGE AND SUR-
22 VIVORS INSURANCE TRUST FUND.—There are hereby ap-
23 propriated to the Federal Old-Age and Survivors Insur-
24 ance Trust Fund and the Federal Disability Insurance
25 Trust Fund established under section 201 of the Social

1 Security Act (42 U.S.C. 401) amounts equal to the reduc-
2 tion in revenues to the Treasury by reason of this section
3 (without regard to this subsection). Amounts appropriated
4 by the preceding sentence shall be transferred from the
5 general fund at such times and in such manner as to rep-
6 licate to the extent possible the transfers which would have
7 occurred to such Trust Fund had this section not been
8 enacted.

9 (i) COORDINATION WITH DSH PAYMENTS.—Section
10 1886(r) of the Social Security Act (42 U.S.C. 1395ww(r))
11 is amended—

12 (1) in paragraph (2), by inserting “subject to
13 paragraph (4),” before “for fiscal year 2014”; and

14 (2) by adding at the end the following new
15 paragraph:

16 “(4) SPECIAL RULE FOR COVID-RELATED CHAR-
17 ITY CARE.—The Secretary shall, beginning in the
18 first fiscal year in which the factor described in
19 paragraph (2)(C) is calculated based on a cost re-
20 porting period that includes any portion of calendar
21 year 2020, exclude the amount of the payroll credit
22 for COVID–19 charity care allowed under section
23 101(a) of the Emergency Pension Plan Relief Act of
24 2020 provided to a subsection (d) hospital, from the
25 calculation of such factor.”.

1 **SEC. 102. PAYROLL CREDIT FOR COVID-19 HOSPITAL FA-**
2 **CILITY EXPENDITURES.**

3 (a) IN GENERAL.—In the case of an employer which
4 is an eligible hospital, there shall be allowed as a credit
5 against the tax imposed by section 3111(a) of the Internal
6 Revenue Code of 1986 for each calendar quarter an
7 amount equal to 90 percent of the COVID-19 hospital
8 facility expenditures paid or incurred by such hospital dur-
9 ing such calendar quarter.

10 (b) LIMITATIONS AND REFUNDABILITY.—

11 (1) CREDIT LIMITED TO CERTAIN EMPLOYMENT
12 TAXES.—The credit allowed by subsection (a) with
13 respect to any calendar quarter shall not exceed the
14 tax imposed by section 3111(a) of such Code for
15 such calendar quarter (reduced by any credits al-
16 lowed under subsection (e) or (f) of section 3111 of
17 such Code, under section 7001 or 7003 of the Fami-
18 lies First Coronavirus Response Act, or under the
19 preceding section of this Act, for such quarter) on
20 the wages paid with respect to the employment of all
21 employees of the employer.

22 (2) REFUNDABILITY OF EXCESS CREDIT.—

23 (A) IN GENERAL.—If the amount of the
24 credit under subsection (a) exceeds the limita-
25 tion of paragraph (1) for any calendar quarter,
26 such excess shall be treated as an overpayment

1 that shall be refunded under sections 6402(a)
2 and 6413(b) of such Code.

3 (B) TREATMENT OF PAYMENTS.—For pur-
4 poses of section 1324 of title 31, United States
5 Code, any amounts due to an employer under
6 this paragraph shall be treated in the same
7 manner as a refund due from a credit provision
8 referred to in subsection (b)(2) of such section.

9 (c) ELIGIBLE HOSPITAL.—For purposes of this sec-
10 tion, the term “eligible hospital” means a subsection (d)
11 hospital as defined in section 1886(d)(1)(B) of the Social
12 Security Act (42 U.S.C. 1395ww(d)(1)(B)) or a critical
13 access hospital (as defined in section 1861(mm)(1) of such
14 Act (42 U.S.C. 1395x(mm)(1)).

15 (d) COVID–19 HOSPITAL FACILITY EXPENDI-
16 TURES.—For purposes of this section—

17 (1) IN GENERAL.—The term “COVID–19 hos-
18 pital facility expenditures” means amounts paid or
19 incurred by an eligible hospital for—

20 (A) the purchase or construction of a tem-
21 porary structure in the United States for speci-
22 fied COVID-related purposes,

23 (B) the lease of any structure in the
24 United States for specified COVID-related pur-

1 poses if the term of such lease is not greater
2 than 2 years,

3 (C) the retrofitting of any existing perma-
4 nent structure in the United States for specified
5 COVID-related purposes, and

6 (D) any property for use in a structure de-
7 scribed in subparagraph (A), (B), or (C) for
8 specified COVID-related purposes if such prop-
9 erty is of a character which is subject to the al-
10 lowance for depreciation provided in section 167
11 of the Internal Revenue Code of 1986.

12 (2) SPECIFIED COVID-RELATED PURPOSES.—
13 The term “specified COVID-related purposes”
14 means the diagnosis, prevention, or treatment of
15 COVID–19 or a related condition.

16 (3) TEMPORARY STRUCTURE.—The term “tem-
17 porary structure” means a tent or such other struc-
18 ture which by its design or nature is not suitable to
19 serve as a permanent structure.

20 (4) COORDINATION WITH GOVERNMENT
21 GRANTS.—The COVID–19 hospital facility expendi-
22 tures taken into account under this section by any
23 eligible hospital shall be reduced by any amounts
24 provided by any Federal, State, or local government

1 for purposes of making or reimbursing such expendi-
2 tures.

3 (e) SPECIAL RULES.—

4 (1) DENIAL OF DOUBLE BENEFIT.—For pur-
5 poses of the Internal Revenue Code of 1986—

6 (A) the basis of any property with respect
7 to which a credit is allowed under this section
8 shall be reduced by the amount of such credit,
9 and

10 (B) such reduction shall be taken into ac-
11 count before determining the amount of any de-
12 duction, or allowance for depreciation or amor-
13 tization, with respect to such property for pur-
14 poses of such Code.

15 (2) RECAPTURE OF GAIN.—If an eligible hos-
16 pital disposes of any property with respect to which
17 a credit was allowed under this section and any gain
18 is determined on such disposition under section
19 1001 of such Code, the tax imposed under chapter
20 1 of such Code on such hospital shall be increased
21 by the amount of such gain. The preceding sentence
22 shall apply without regard to whether such eligible
23 hospital is otherwise exempt from, or not subject to,
24 the taxes otherwise imposed under such chapter.

1 (3) DOCUMENTATION.—No credit shall be al-
2 lowed under this section unless the employer main-
3 tains such documentation as the Secretary of the
4 Treasury (or the Secretary’s delegate) may prescribe
5 to establish such employer’s eligibility for the credit
6 allowed under this section (and the amount thereof).

7 (4) ELECTION NOT TO HAVE SECTION APPLY.—
8 This section shall not apply with respect to any em-
9 ployer for any calendar quarter if such employer
10 elects (at such time and in such manner as the Sec-
11 retary of the Treasury (or the Secretary’s delegate)
12 may prescribe) not to have this section apply.

13 (5) CERTAIN TERMS.—Any term used in this
14 section which is also used in chapter 21 of such
15 Code shall have the same meaning as when used in
16 such chapter.

17 (f) REGULATIONS.—The Secretary of the Treasury
18 (or the Secretary’s delegate) shall prescribe such regula-
19 tions or other guidance as may be necessary to carry out
20 the purposes of this section, including—

21 (1) regulations or other guidance to effectuate
22 the purposes of the limitations under this section,

23 (2) regulations or other guidance to minimize
24 compliance and record-keeping burdens under this
25 section,

1 (3) regulations or other guidance providing for
2 a waiver of penalties for the failure to deposit taxes
3 imposed under section 3111(a) in anticipation of the
4 allowance of the credit allowed under this section,

5 (4) regulations or other guidance for recap-
6 turing the benefit of credits determined under this
7 section in cases where there is a subsequent adjust-
8 ment to the credit determined under subsection (a),

9 (5) regulations or other guidance (prescribed
10 after consultation with the Secretary of Health and
11 Human Services) which identify specific items and
12 services which are considered for purposes of sub-
13 section (d)(2) to be for specified COVID-related pur-
14 poses, and

15 (6) regulations or other guidance regarding the
16 treatment of certified professional employer organi-
17 zations, as described in section 3511 of such Code.

18 (g) APPLICATION OF SECTION.—

19 (1) IN GENERAL.—This section shall apply only
20 to COVID–19 hospital facility expenditures which
21 are paid or incurred during the period beginning on
22 February 1, 2020, and ending on December 31,
23 2020.

24 (2) TREATMENT OF CERTAIN EXPENDITURES
25 MADE BEFORE DATE OF ENACTMENT.—For pur-

1 poses of this section, any COVID–19 hospital facility
2 expenditures which are paid or incurred after Janu-
3 ary 31, 2020, and before the calendar quarter which
4 includes the date of the enactment of this Act shall
5 be treated as having been furnished in such calendar
6 quarter.

7 (h) TRANSFERS TO FEDERAL OLD-AGE AND SUR-
8 VIVORS INSURANCE TRUST FUND.—There are hereby ap-
9 propriated to the Federal Old-Age and Survivors Insur-
10 ance Trust Fund and the Federal Disability Insurance
11 Trust Fund established under section 201 of the Social
12 Security Act (42 U.S.C. 401) amounts equal to the reduc-
13 tion in revenues to the Treasury by reason of this section
14 (without regard to this subsection). Amounts appropriated
15 by the preceding sentence shall be transferred from the
16 general fund at such times and in such manner as to rep-
17 licate to the extent possible the transfers which would have
18 occurred to such Trust Fund had this section not been
19 enacted.

1 **SEC. 103. RESTORATION OF LIMITATIONS ON RECONCILI-**
 2 **ATION OF TAX CREDITS FOR COVERAGE**
 3 **UNDER A QUALIFIED HEALTH PLAN WITH AD-**
 4 **VANCE PAYMENTS OF SUCH CREDIT.**

5 (a) IN GENERAL.—Section 36B(f)(2)(B)(i) of the In-
 6 ternal Revenue Code of 1986 is amended to read as fol-
 7 lows:

8 “(i) IN GENERAL.—In the case of a
 9 taxpayer whose household income is less
 10 than 500 percent of the poverty line for
 11 the size of the family involved for the tax-
 12 able year, the amount of the increase
 13 under subparagraph (A) shall in no event
 14 exceed the applicable dollar amount deter-
 15 mined in accordance with the following
 16 table (one-half of such amount in the case
 17 of a taxpayer whose tax is determined
 18 under section 1(c) for the taxable year):

“If the household income (expressed as a percent of poverty line) is:	The applicable dollar amount is:
Less than 200%	\$600
At least 200% but less than 250%	\$1,000
At least 250% but less than 300%	\$1,500
At least 300% but less than 350%	\$2,000
At least 350% but less than 400%	\$2,500
At least 400% but less than 450%	\$3,000
At least 450% but less than 500%	\$3,500.”.

1 (b) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply to taxable years beginning after
 3 December 31, 2019.

4 **SEC. 104. IMPROVING AFFORDABILITY BY REDUCING PRE-**
 5 **MIUM COSTS FOR CONSUMERS.**

6 (a) IN GENERAL.—Section 36B(b)(3)(A) of the In-
 7 ternal Revenue Code of 1986 is amended to read as fol-
 8 lows:

9 “(A) APPLICABLE PERCENTAGE.—The ap-
 10 plicable percentage for any taxable year shall be
 11 the percentage such that the applicable percent-
 12 age for any taxpayer whose household income is
 13 within an income tier specified in the following
 14 table shall increase, on a sliding scale in a lin-
 15 ear manner, from the initial premium percent-
 16 age to the final premium percentage specified in
 17 such table for such income tier:

“In the case of household income (expressed as a percent of poverty line) within the following income tier:	The initial premium percentage is—	The final premium percentage is—
Over 100.0 percent up to 150.0 percent	0.0	0.0
150.0 percent up to 200.0 percent	0.0	3.0
200.0 percent up to 250.0 percent	3.0	4.0
250.0 percent up to 300.0 percent	4.0	6.0
300.0 percent up to 400.0 percent	6.0	8.5
400.0 percent and higher	8.5	8.5”.

18 (b) CONFORMING AMENDMENT.—Section
 19 36B(c)(1)(A) of the Internal Revenue Code of 1986 is
 20 amended by striking “but does not exceed 400 percent”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 2020.

4 **TITLE II—ECONOMIC STIMULUS**
5 **Subtitle A—Economic Assistance**
6 **Payments**

7 **SEC. 201. 2020 ECONOMIC ASSISTANCE PAYMENTS TO INDI-**
8 **VIDUALS.**

9 (a) IN GENERAL.—Subchapter B of chapter 65 of the
10 Internal Revenue Code of 1986 is amended by adding at
11 the end the following new section:

12 **“SEC. 6431. 2020 ECONOMIC ASSISTANCE PAYMENTS TO IN-**
13 **DIVIDUALS.**

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

18 “(1) the base amount, and

19 “(2) the income supplement amount.

20 “(b) BASE AMOUNT.—For purposes of this section,
21 the term ‘base amount’ means, with respect to any tax-
22 payer, the sum of—

23 “(1) \$1,500 (\$3,000 in the case of a joint re-
24 turn), plus

1 “(2) \$1,500 multiplied by the number of quali-
2 fying children (within the meaning of section 24(e))
3 of the taxpayer (not in excess of 3 such children) for
4 the taxpayer’s first taxable year beginning in 2020.

5 “(c) INCOME SUPPLEMENT AMOUNT.—For purposes
6 of this section—

7 “(1) IN GENERAL.—The term ‘income supple-
8 ment amount’ means—

9 “(A) in the case of any taxpayer not de-
10 scribed in subparagraph (B), the excess (if any)
11 of—

12 “(i) adjusted gross income for the tax-
13 able year immediately preceding such tax-
14 payer’s first taxable year beginning in
15 2020, over

16 “(ii) adjusted gross income for such
17 taxpayer’s first taxable year beginning in
18 2020, and

19 “(B) in the case of any taxpayer whose
20 household income for such taxpayer’s first tax-
21 able year beginning in 2020 does not exceed the
22 applicable phaseout amount, the greater of—

23 “(i) the excess (if any) described in
24 subparagraph (A), or

25 “(ii) the sum of—

1 “(I) base amount multiplied by 5,
2 plus
3 “(II) \$5,000.

4 “(2) MAXIMUM INCOME SUPPLEMENT
5 AMOUNT.—The income supplement amount deter-
6 mined under this subsection shall not exceed the
7 sum described in paragraph (1)(B)(ii) (determined
8 without regard to paragraph (3)).

9 “(3) PHASEOUT OF THE MINIMUM INCOME SUP-
10 PLEMENT AMOUNT.—The sum described in para-
11 graph (1)(B)(ii) shall be reduced (but not below
12 zero) by the amount which bears the same ratio to
13 such sum as—

14 “(A) the excess (if any) of the household
15 income for the taxpayer’s first taxable year be-
16 ginning in 2020 over 200 percent of the poverty
17 line for a family of the size involved, bears to

18 “(B) the excess of the applicable phaseout
19 amount over 200 percent of the poverty line for
20 a family of the size involved.

21 “(4) DEFINITIONS RELATING TO THE POVERTY
22 LINE.—For purposes of this subsection—

23 “(A) IN GENERAL.—The terms ‘family
24 size’ and ‘poverty line’ have the respective

1 meaning given such terms under section
2 36B(d).

3 “(B) HOUSEHOLD INCOME.—The term
4 ‘household income’ has the meaning given such
5 term by section 36B(d)(2)(A) applied by using
6 adjusted gross income (within the meaning of
7 this section) in lieu of modified adjusted gross
8 income (within the meaning of section 36B).

9 “(d) OVERALL PHASEOUT BASED ON ADJUSTED
10 GROSS INCOME.—

11 “(1) IN GENERAL.—The amount of the credit
12 allowed by subsection (a) (determined without re-
13 gard to this subsection and subsection (g)) shall be
14 reduced (but not below zero) by the amount which
15 bears the same ratio to such amount as—

16 “(A) the excess (if any) of the adjusted
17 gross income for the taxpayer’s first taxable
18 year beginning in 2020 over the applicable
19 phaseout amount, bears to

20 “(B) 50 percent of the applicable phaseout
21 amount.

22 “(2) APPLICABLE PHASEOUT AMOUNT.—The
23 term ‘applicable phaseout amount’ means—

1 “(A) \$150,000 in the case of a joint return
2 or a surviving spouse (as defined in section
3 2(a)),

4 “(B) \$112,500 in the case of a head of
5 household (as defined in section 2(b)), and

6 “(C) \$75,000 in any other case.

7 “(e) OTHER DEFINITIONS.—For purposes of this
8 section—

9 “(1) ELIGIBLE INDIVIDUAL.—The term ‘eligible
10 individual’ means any individual other than—

11 “(A) any nonresident alien individual,

12 “(B) any individual with respect to whom
13 a deduction under section 151 is allowable to
14 another taxpayer for a taxable year beginning
15 in the calendar year in which the individual’s
16 taxable year begins, and

17 “(C) an estate or trust.

18 “(2) ADJUSTED GROSS INCOME.—The term ‘ad-
19 justed gross income’ means adjusted gross income
20 determined without regard to sections 911, 931, and
21 933.

22 “(f) SPECIAL RULES.—

23 “(1) CREDIT TREATED AS REFUNDABLE.—The
24 credit allowed by subsection (a) shall be treated as

1 allowed by subpart C of part IV of subchapter A of
2 chapter 1.

3 “(2) TREATMENT OF CREDIT AND ADVANCE
4 PAYMENTS.—For purposes of section 1324 of title
5 31, United States Code, any credit under subsection
6 (a) and any credit or refund under subsection (h)
7 shall be treated in the same manner as a refund due
8 from a credit provision referred to in subsection
9 (b)(2) of such section.

10 “(3) IDENTIFICATION NUMBER REQUIRE-
11 MENT.—An individual shall not be taken into ac-
12 count in determining the amount of the credit al-
13 lowed under subsection (a) unless the taxpayer iden-
14 tification number of such individual is included on
15 the return of tax for the taxable year.

16 “(g) COORDINATION WITH ADVANCE REFUNDS OF
17 CREDIT.—

18 “(1) REDUCTION OF REFUNDABLE CREDIT.—
19 The amount of the credit which would (but for this
20 paragraph) be allowable under subsection (a) shall
21 be reduced (but not below zero) by the aggregate re-
22 funds and credits made or allowed to the taxpayer
23 under subsection (h) and the aggregate payments to
24 which the taxpayer is entitled under section 202 of
25 the Emergency Pension Plan Relief Act of 2020.

1 Any failure to so reduce the credit shall be treated
2 as arising out of a mathematical or clerical error
3 and assessed according to section 6213(b)(1).

4 “(2) RECAPTURE OF PAYMENTS IN EXCESS OF
5 REFUNDABLE CREDIT.—

6 “(A) IN GENERAL.—If the sum of the ag-
7 gregate refunds and credits made or allowed to
8 the taxpayer under subsection (h) and the ag-
9 gregate payments to which the taxpayer is enti-
10 tled under section 202 of the Emergency Pen-
11 sion Plan Relief Act of 2020 exceeds the credit
12 allowed under subsection (a) (determined with-
13 out regard to paragraph (1)), the tax imposed
14 under chapter 1 for the taxpayer’s first taxable
15 year beginning in 2020 shall be increased by
16 the amount of such excess.

17 “(B) ELECTION TO SPREAD RECAPTURE
18 OVER 3 YEARS.—In the case of a taxpayer who
19 elects (at such time and in such manner as the
20 Secretary may provide) the application of this
21 subparagraph, subparagraph (A) shall not apply
22 and the tax imposed under chapter 1 shall be
23 increased by $\frac{1}{3}$ of the excess described in sub-
24 paragraph (A) in the taxpayer’s first taxable

1 year beginning in 2020 and in each of the 2 im-
2 mediately following taxable years.

3 “(3) JOINT RETURNS.—In the case of a refund
4 or credit made or allowed under subsection (h) with
5 respect to a joint return, half of such refund or cred-
6 it shall be treated as having been made or allowed
7 to each individual filing such return.

8 “(h) ADVANCE REFUNDS AND CREDITS.—

9 “(1) IN GENERAL.—Each taxpayer who was an
10 eligible individual for such taxpayer’s first taxable
11 year beginning in 2019 shall be treated as having
12 made a payment against the tax imposed by chapter
13 1 for such first taxable year in an amount equal to
14 the advance refund amount.

15 “(2) ADVANCE REFUND AMOUNT.—For pur-
16 poses of this subsection, the term ‘advance refund
17 amount’ means the sum of—

18 “(A) the product of the prior-year base
19 amount multiplied by 6, plus

20 “(B) \$5,000.

21 “(3) TIMING OF PAYMENTS.—

22 “(A) BASE AMOUNT.—The Secretary shall,
23 subject to the provisions of this title, refund or
24 credit so much of any overpayment attributable

1 to paragraph (1) as is not less than the prior-
2 year base amount as rapidly as possible.

3 “(B) PERIODIC ADDITIONAL PAYMENTS.—

4 To the extent that the Secretary determines
5 feasible, the Secretary shall, subject to the pro-
6 visions of this title, refund or credit any re-
7 maining overpayment in periodic additional
8 amounts. The Secretary, to the maximum ex-
9 tent practicable, shall ensure that the entire
10 overpayment attributable to paragraph (1) is
11 refunded or credited under this paragraph not
12 later than December 31, 2020. For purposes of
13 the preceding sentence, the term ‘remaining
14 overpayment’ means so much of the overpay-
15 ment attributable to paragraph (1) as is not re-
16 funded or credited under subparagraph (A).

17 “(C) TERMINATION OF PAYMENT AUTHOR-
18 ITY.—No refund or credit shall be made or al-
19 lowed under this subsection after December 31,
20 2020.

21 “(4) PRIOR-YEAR BASE AMOUNT.—For pur-
22 poses of this subsection, the term ‘prior-year base
23 amount’ means the base amount determined under
24 subsection (b) with respect to—

1 “(A) the taxpayer’s first taxable year be-
2 ginning in 2019, or

3 “(B) if information regarding such taxable
4 year is not available to the Secretary, the tax-
5 payer’s first taxable year beginning in 2018.

6 “(5) COORDINATION WITH PAYMENTS TO SO-
7 CIAL SECURITY ADMINISTRATION RECIPIENTS.—This
8 subsection shall not apply with respect to any tax-
9 payer entitled to a payment under section 202 of the
10 Emergency Pension Plan Relief Act of 2020.

11 “(6) NO INTEREST.—No interest shall be al-
12 lowed on any overpayment attributable to this sec-
13 tion.

14 “(7) INFORMATION PROVIDED TO TAX-
15 PAYERS.—As soon as practicable, the Secretary
16 shall—

17 “(A) make best efforts to inform every tax-
18 payer that amounts received pursuant to this
19 subsection may be subject to recapture under
20 subsection (g)(2), and

21 “(B) develop an Internet tool allowing tax-
22 payer’s to determine the amount of such recap-
23 ture using input from the taxpayer.

24 “(i) REGULATIONS.—The Secretary shall prescribe
25 such regulations or other guidance as may be necessary

1 or appropriate to carry out the purposes of this section,
2 including—

3 “(1) regulations or other guidance providing for
4 proper determination of adjusted gross income in the
5 case of an individual whose filing status changes be-
6 tween the taxable years taken into account under
7 this section and in the case of any taxable year
8 which is less than 12 months,

9 “(2) regulations or other guidance providing
10 taxpayers with respect to whom information for nei-
11 ther taxable year described in subsection (h)(4) is
12 available to the Secretary the opportunity to provide
13 the Secretary information sufficient to allow the Sec-
14 retary to determine the amount of the credit or re-
15 fund for such taxpayer under subsection (h), and

16 “(3) regulations or other guidance providing for
17 proper determination of the treatment of households
18 that include an eligible individual (as defined in sec-
19 tion 202(b) of the Emergency Pension Plan Relief
20 Act of 2020).

21 “(j) OUTREACH.—The Secretary shall carry out a ro-
22 bust and comprehensive outreach program to ensure that
23 all taxpayers described in subsection (i)(2) learn of their
24 eligibility for the advance refunds and credits under sub-
25 section (h); are advised of the opportunity to receive such

1 advance refunds and credits as provided under subsection
2 (i)(2), and provided assistance in applying for such cred-
3 its. In conducting this outreach, the Secretary shall co-
4 ordinate with other government, state, and local agencies;
5 federal partners; and community-based nonprofit organi-
6 zations that regularly interface with those taxpayers so de-
7 scribed.”.

8 (b) TREATMENT OF CERTAIN POSSESSIONS.—

9 (1) PAYMENTS TO POSSESSIONS WITH MIRROR
10 CODE TAX SYSTEMS.—The Secretary of the Treas-
11 ury shall pay to each possession of the United States
12 which has a mirror code tax system amounts equal
13 to the loss (if any) to that possession by reason of
14 the amendments made by this section. Such
15 amounts shall be determined by the Secretary of the
16 Treasury based on information provided by the gov-
17 ernment of the respective possession.

18 (2) PAYMENTS TO OTHER POSSESSIONS.—The
19 Secretary of the Treasury shall pay to each posses-
20 sion of the United States which does not have a mir-
21 ror code tax system amounts estimated by the Sec-
22 retary of the Treasury as being equal to the aggre-
23 gate benefits (if any) that would have been provided
24 to residents of such possession by reason of the
25 amendments made by this section if a mirror code

1 tax system had been in effect in such possession.
2 The preceding sentence shall not apply unless the re-
3 spective possession has a plan, which has been ap-
4 proved by the Secretary of the Treasury, under
5 which such possession will promptly distribute such
6 payments to its residents.

7 (3) COORDINATION WITH CREDIT ALLOWED
8 AGAINST UNITED STATES INCOME TAXES.—No cred-
9 it shall be allowed against United States income
10 taxes under section 6431 of the Internal Revenue
11 Code of 1986 (as amended by this section), nor shall
12 any credit or refund be made or allowed under sub-
13 section (h) of such section, to any person—

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

17 (B) who is eligible for a payment under a
18 plan described in paragraph (2).

19 (4) MIRROR CODE TAX SYSTEM.—For purposes
20 of this subsection, the term “mirror code tax sys-
21 tem” means, with respect to any possession of the
22 United States, the income tax system of such posses-
23 sion if the income tax liability of the residents of
24 such possession under such system is determined by

1 reference to the income tax laws of the United
2 States as if such possession were the United States.

3 (c) ADMINISTRATIVE PROVISIONS.—

4 (1) DEFINITION OF DEFICIENCY.—Section
5 6211(b)(4)(A) of the Internal Revenue Code of 1986
6 is amended by striking “168(k)(4)” and inserting
7 “168(k)(4), and 6431”.

8 (2) MATHEMATICAL OR CLERICAL ERROR AU-
9 THORITY.—Section 6213(g)(2) of such Code is
10 amended—

11 (A) by inserting “or section 6431 (relating
12 to economic assistance payments to individ-
13 uals)” before the comma at the end of subpara-
14 graph (H), and

15 (B) by striking “or 32” in subparagraph
16 (L) and inserting “32, or 6431”.

17 (3) EXEMPTION FROM OFFSETS.—So much of
18 any overpayment, credit, refund, or payment as is
19 attributable to the application of section 6431 of the
20 Internal Revenue Code of 1986 shall not be subject
21 to reduction, offset, or levy under section 6331 or
22 subsections (c), (d), (e), or (f) of section 6402 of
23 such Code or under section 3716 or 3720A of title
24 31, United States Code.

1 (4) TREATMENT OF CREDIT AND ADVANCE PAY-
2 MENTS.—For purposes of section 1324 of title 31,
3 United States Code, any credit under section
4 6431(a) of the Internal Revenue Code of 1986, any
5 credit or refund under section 6431(h) of such Code,
6 and any payment under subsection (b) of this Act,
7 shall be treated in the same manner as a refund due
8 from a credit provision referred to in subsection
9 (b)(2) of such section 1324.

10 (d) APPROPRIATIONS TO CARRY OUT THIS SEC-
11 TION.—

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

17 (A) For an additional amount for “Depart-
18 ment of the Treasury—Bureau of Fiscal Serv-
19 ices—Salaries and Expenses”, \$78,600,000, to
20 remain available until December 31, 2020.

21 (B) For an additional amount for “Depart-
22 ment of the Treasury—Internal Revenue Serv-
23 ice—Taxpayer Services”, \$301,000,000, to re-
24 main available until December 31, 2020.

1 (C) For an additional amount for “Depart-
2 ment of the Treasury—Internal Revenue Serv-
3 ice—Enforcement”, \$37,200,000, to remain
4 available until December 31, 2020.

5 (D) For an additional amount for “De-
6 partment of the Treasury—Internal Revenue
7 Service—Operations Support”, \$8,000,000, to
8 remain available until December 31, 2020.

9 (2) REPORTS.—No later than 15 days after en-
10 actment of this Act, the Secretary of the Treasury
11 shall submit a plan to the Committees on Appropria-
12 tions of the House of Representatives and the Sen-
13 ate detailing the expected use of the funds provided
14 by paragraph (1)(A). Beginning 90 days after enact-
15 ment of this Act, the Secretary of the Treasury shall
16 submit a quarterly report to the Committees on Ap-
17 propriations of the House of Representatives and the
18 Senate detailing the actual expenditure of funds pro-
19 vided by paragraph (1)(A) and the expected expendi-
20 ture of such funds in the subsequent quarter.

21 **SEC. 202. ECONOMIC ASSISTANCE PAYMENTS TO CERTAIN**
22 **FEDERAL BENEFICIARIES.**

23 (a) PAYMENT AUTHORITIES AND AMOUNTS.—

24 (1) BASE AMOUNT PAYMENTS.—Subject to sub-
25 section (c), the Secretary of the Treasury shall dis-

1 burse a base amount payment to each individual
2 who, as of the date of the enactment of this Act, is
3 an eligible individual. Such payment shall be in the
4 amount that would be paid under section 6431(b) of
5 the Internal Revenue Code of 1986 for a single tax-
6 payer with no qualifying children.

7 (2) INCOME SUPPLEMENT AMOUNT PAY-
8 MENTS.—Subject to subsection (c), the Secretary of
9 the Treasury shall disburse income supplement
10 amount payments to each individual who, as of the
11 date of the enactment of this Act, is an eligible indi-
12 vidual. The total of such payments to each such in-
13 dividual shall equal the amount defined in
14 6431(c)(1)(B)(ii) for a single taxpayer with no
15 qualifying children.

16 (b) ELIGIBLE INDIVIDUAL.—

17 (1) IN GENERAL.—For purposes of subsection
18 (a), an “eligible individual” is an individual who, for
19 the last month that ends prior to the date of enact-
20 ment of this Act—

21 (A) is entitled to a social security insur-
22 ance benefit described in paragraph (2); or

23 (B) is eligible for a supplemental security
24 income benefit described in paragraph (3).

1 (2) SOCIAL SECURITY BENEFIT DESCRIBED.—

2 For purposes of paragraph (1), a social security in-
3 surance benefit described in this paragraph is any
4 monthly insurance benefit payable under title II of
5 the Social Security Act (42 U.S.C. 401 et seq.)
6 (other than child's insurance benefits payable under
7 section 202(d)(1)(B)(i) of such Act (42 U.S.C.
8 402(d)(1)(B)(i)), including payments made pursuant
9 to subsections (g) or (i)(7) of section 223 of such
10 Act (42 U.S.C. 423).

11 (3) SUPPLEMENTAL SECURITY INCOME BEN-

12 EFIT DESCRIBED.—For purposes of paragraph (1),

13 a supplemental security income benefit described in

14 this paragraph is a monthly benefit payable under

15 title XVI of the Social Security Act (42 U.S.C. 1381

16 et seq.) (other than a benefit to an individual de-

17 scribed in section 1611(e)(1)(B) or section

18 1614(a)(3)(C) of such Act (42 U.S.C.

19 1382(e)(1)(B); 1382c(a)(3)(C)), including—

20 (A) payments made pursuant to section

21 1619(a) (42 U.S.C. 1382h) or subsections

22 (a)(4), (a)(7), or (p)(7) of section 1631 (42

23 U.S.C. 1383) of such Act; and

24 (B) State supplementary payments of the

25 type referred to in section 1616(a) of such Act

1 (42 U.S.C. 1382e(a)) (or payments of the type
2 described in section 212(a) of Public Law 93–
3 66) which are paid by the Commissioner under
4 an agreement referred to in such section
5 1616(a) (or section 212(a) of Public Law 93–
6 66).

7 (4) LIMITATION.—Notwithstanding paragraph
8 (1), no individual shall be considered an eligible indi-
9 vidual for purposes of subsection (a) if, for the last
10 month that ends prior to the date of enactment of
11 this Act—

12 (A) the individual is entitled to a social se-
13 curity insurance benefit described in paragraph
14 (2) that was not payable for such month by rea-
15 son of subsection (x) or (y) of section 202 the
16 Social Security Act (42 U.S.C. 402) or section
17 1129A of such Act (42 U.S.C. 1320a–8a); or

18 (B) the individual is eligible for a supple-
19 mental security income benefit described in
20 paragraph (3) that was not payable for such
21 month by reason of subsection (e)(1)(A) or
22 (e)(4) of section 1611 (42 U.S.C. 1382) or sec-
23 tion 1129A of such Act (42 U.S.C. 1320a–8a).

24 (c) LIMITATIONS ON PAYMENTS.—

1 (1) RESIDENCY REQUIREMENT.—A payment
2 under this section shall be made only to individuals
3 who reside in 1 of the 50 States, the District of Co-
4 lumbia, Puerto Rico, Guam, the United States Vir-
5 gin Islands, American Samoa, or the Northern Mar-
6 iana Islands, or who are utilizing a foreign or do-
7 mestic Army Post Office or Fleet Post Office ad-
8 dress. For purposes of the preceding sentence, the
9 determination of the individual’s residence shall be
10 based on the address of record, as of the date of cer-
11 tification under subsection (d) for a payment under
12 this section, under a program specified in paragraph
13 (b).

14 (2) TIMING AND MANNER OF PAYMENTS.—

15 (A) TIMING OF BASE AMOUNT PAYMENT.—

16 The Secretary of the Treasury shall commence
17 disbursing payments under subsection (a)(1) at
18 the earliest practicable date but in no event
19 later than 90 days after the date of enactment
20 of this Act.

21 (B) TIMING OF INCOME SUPPLEMENT
22 AMOUNT PAYMENTS.—The Secretary of the
23 Treasury shall disburse payments under sub-
24 section (a)(2) on a periodic basis in coordina-
25 tion with the timing of refunds and credits

1 made under section 6431(h)(3)(B) of the Inter-
2 nal Revenue Code of 1986.

3 (C) ELECTRONIC DISBURSEMENT.—The
4 Secretary of the Treasury may disburse any
5 payment electronically to an individual in such
6 manner as if such payment were a benefit pay-
7 ment made to such individual under the appli-
8 cable program described in paragraph (2) or (3)
9 of subsection (b).

10 (D) NOTICES.—The Commissioner of So-
11 cial Security shall send one or more notices, as
12 appropriate, in connection with such payments.
13 Such notices shall include the information de-
14 scribed in section 6431(h)(7)(A) of the Internal
15 Revenue Code of 1986 relating to such pay-
16 ments being subject to recapture.

17 (d) IDENTIFICATION OF RECIPIENTS.—The Commis-
18 sioner of Social Security shall certify the individuals enti-
19 tled to receive payments under this section and provide
20 the Secretary of the Treasury with the information needed
21 to disburse such payments. A certification of an individual
22 for payment shall be unaffected by any subsequent deter-
23 mination or redetermination of the individual's entitlement
24 to, or eligibility for, a benefit specified in paragraph (2)
25 or (3) of subsection (b).

1 (e) TREATMENT OF PAYMENTS.—

2 (1) PAYMENT DISREGARDED FOR PURPOSES OF
3 ALL FEDERAL AND FEDERALLY ASSISTED PRO-
4 GRAMS.—A payment under subsection (a) shall not
5 be regarded as income or as a resource for any
6 month for purposes of determining the eligibility of
7 the recipient (or the recipient's spouse or family) for
8 benefits or assistance, or the amount or extent of
9 benefits or assistance, under any Federal program
10 or under any State or local program financed in
11 whole or in part with Federal funds.

12 (2) PAYMENT NOT CONSIDERED INCOME FOR
13 PURPOSES OF TAXATION.—A payment under sub-
14 section (a) shall not be considered as gross income
15 for purposes of the Internal Revenue Code of 1986.

16 (3) PAYMENTS PROTECTED FROM ASSIGN-
17 MENT.—The provisions of sections 207 and
18 1631(d)(1) of the Social Security Act (42 U.S.C.
19 407, 1383(d)(1)) shall apply to any payment made
20 under subsection (a) as if such payment was a ben-
21 efit payment made to such individual under the ap-
22 plicable program described in paragraph (2) or (3)
23 of subsection (b).

24 (4) PAYMENTS PROTECTED FROM OFFSET AND
25 RECLAMATION.—Notwithstanding paragraph (3), a

1 payment under subsection (a) shall not be subject to
2 any reduction, offset, or levy pursuant to—

3 (A) section 3716 or 3720A of title 31,
4 United States Code;

5 (B) section 6331 of the Internal Revenue
6 Code of 1986; or

7 (C) subsection (c), (d), (e), or (f) of section
8 6402 of the Internal Revenue Code of 1986.

9 (f) PAYMENT TO REPRESENTATIVE PAYEES.—

10 (1) IN GENERAL.—In any case in which an in-
11 dividual who is entitled to a payment under sub-
12 section (a) and whose benefit described in subsection
13 (b) is paid to a representative payee, the payment
14 under subsection (a) shall be made to the individ-
15 ual's representative payee and the entire payment
16 shall be used only for the benefit of the individual
17 who is entitled to the payment.

18 (2) ENFORCEMENT.—Section 1129(a)(3) of the
19 Social Security Act (42 U.S.C. 1320a-8(a)(3)) shall
20 apply to any payment under subsection (a) in the
21 same manner as such section applies to a payment
22 under title II or XVI of such Act.

23 (g) COORDINATION.—The Secretary of the Treasury
24 and the Commissioner of Social Security shall coordinate

1 with respect to any payments made under this section or
2 section 6431(h) of the Internal Revenue Code of 1986.

3 (h) APPROPRIATION.—Out of any money in the
4 Treasury not otherwise appropriated, there is appro-
5 priated to the Commissioner of Social Security such sums
6 as may be necessary for payments to individuals certified
7 by the Commissioner of Social Security as entitled to re-
8 ceive a payment under this section, to remain available
9 until expended.

10 **Subtitle B—Earned Income Tax** 11 **Credit**

12 **SEC. 211. STRENGTHENING THE EARNED INCOME TAX** 13 **CREDIT FOR INDIVIDUALS WITH NO QUALI-** 14 **FYING CHILDREN.**

15 (a) SPECIAL RULES FOR 2020 AND 2021.—Section
16 32 of the Internal Revenue Code of 1986 is amended by
17 adding at the end the following new subsection:

18 “(n) SPECIAL RULES FOR INDIVIDUALS WITHOUT
19 QUALIFYING CHILDREN.—In the case of any taxable year
20 beginning in 2020 or 2021—

21 “(1) DECREASE IN MINIMUM AGE FOR CRED-
22 IT.—

23 “(A) IN GENERAL.—Subsection
24 (c)(1)(A)(ii)(II) shall be applied by substituting
25 ‘the applicable minimum age’ for ‘age 25’.

1 “(B) APPLICABLE MINIMUM AGE.—For
2 purposes of this paragraph, the term ‘applicable
3 minimum age’ means—

4 “(i) except as otherwise provided in
5 this subparagraph, age 19,

6 “(ii) in the case of a full-time student
7 (other than a qualified former foster youth
8 or a qualified homeless youth), age 25, and

9 “(iii) in the case of a qualified former
10 foster youth or qualified homeless youth,
11 age 18.

12 “(C) FULL-TIME STUDENT.—For purposes
13 of this paragraph, the term ‘full-time student’
14 means, with respect to any taxable year, an in-
15 dividual who is an eligible student (as defined
16 in section 25A(b)(3)) during at least 5 calendar
17 months during the taxable year.

18 “(D) QUALIFIED FORMER FOSTER
19 YOUTH.—For purposes of this paragraph, the
20 term ‘qualified former foster youth’ means an
21 individual who—

22 “(i) on or after the date that such in-
23 dividual attained age 14, was in foster care
24 provided under the supervision or adminis-
25 tration of a State or tribal agency admin-

1 istering (or eligible to administer) a plan
2 under part B or part E of the Social Secu-
3 rity Act (without regard to whether Fed-
4 eral assistance was provided with respect
5 to such child under such part E), and

6 “(ii) provides (in such manner as the
7 Secretary may provide) consent for State
8 and tribal agencies which administer a
9 plan under part B or part E of the Social
10 Security Act to disclose to the Secretary
11 information related to the status of such
12 individual as a qualified former foster
13 youth.

14 “(E) QUALIFIED HOMELESS YOUTH.—For
15 purposes of this paragraph, the term ‘qualified
16 homeless youth’ means, with respect to any tax-
17 able year, an individual who—

18 “(i) is certified by a local educational
19 agency or a financial aid administrator
20 during such taxable year as being either an
21 unaccompanied youth who is a homeless
22 child or youth, or as unaccompanied, at
23 risk of homelessness, and self-supporting.
24 Terms used in the preceding sentence
25 which are also used in section 480(d)(1) of

1 the Higher Education Act of 1965 shall
2 have the same meaning as when used in
3 such section, and

4 “(ii) provides (in such manner as the
5 Secretary may provide) consent for local
6 educational agencies and financial aid ad-
7 ministrators to disclose to the Secretary in-
8 formation related to the status of such in-
9 dividual as a qualified homeless youth.

10 “(2) INCREASE IN MAXIMUM AGE FOR CRED-
11 IT.—Subsection (c)(1)(A)(ii)(II) shall be applied by
12 substituting ‘age 66’ for ‘age 65’.

13 “(3) INCREASE IN CREDIT AND PHASEOUT PER-
14 CENTAGES.—The table contained in subsection
15 (b)(1) shall be applied by substituting ‘15.3’ for
16 ‘7.65’ each place it appears therein.

17 “(4) INCREASE IN EARNED INCOME AND
18 PHASEOUT AMOUNTS.—

19 “(A) IN GENERAL.—The table contained in
20 subsection (b)(2)(A) shall be applied—

21 “(i) by substituting ‘\$9,570’ for
22 ‘\$4,220’, and

23 “(ii) by substituting ‘\$11,310’ for
24 ‘\$5,280’.

1 “(B) COORDINATION WITH INFLATION AD-
2 JUSTMENT.—

3 “(i) IN GENERAL.—In the case of any
4 taxable year beginning after 2019, the
5 \$9,570 and \$11,310 amounts in subpara-
6 graph (A) shall each be increased by an
7 amount equal to—

8 “(I) such dollar amount, multi-
9 plied by

10 “(II) the cost-of-living adjust-
11 ment determined under section 1(f)(3)
12 for the calendar year in which the tax-
13 able year begins, determined by sub-
14 stituting ‘2018’ for ‘2016’ in subpara-
15 graph (A)(ii) thereof.

16 “(ii) ROUNDING.—If any increase
17 under clause (i) is not a multiple of \$10,
18 such increase shall be rounded to the near-
19 est multiple of \$10.

20 “(iii) COORDINATION WITH OTHER IN-
21 FLATION ADJUSTMENT.—Subsection (j)
22 shall not apply to any dollar amount speci-
23 fied in this paragraph.”.

24 (b) INFORMATION RETURN MATCHING.—As soon as
25 practicable, the Secretary of the Treasury (or the Sec-

1 retary's delegate) shall develop and implement procedures
2 for checking an individual's claim for a credit under sec-
3 tion 32 of the Internal Revenue Code of 1986, by reason
4 of subsection (n)(1) thereof, against any information re-
5 turn made with respect to such individual under section
6 6050S (relating to returns relating to higher education
7 tuition and related expenses).

8 (c) EFFECTIVE DATE.—The amendment made by
9 this section shall apply to taxable years beginning after
10 December 31, 2019.

11 **SEC. 212. TAXPAYER ELIGIBLE FOR CHILDLESS EARNED IN-**
12 **COME CREDIT IN CASE OF QUALIFYING CHIL-**
13 **DREN WHO FAIL TO MEET CERTAIN IDENTI-**
14 **FICATION REQUIREMENTS.**

15 (a) IN GENERAL.—Section 32(c)(1) of the Internal
16 Revenue Code of 1986 is amended by striking subpara-
17 graph (F).

18 (b) EFFECTIVE DATE.—The amendment made by
19 this section shall apply to taxable years beginning after
20 the date of the enactment of this Act.

21 **SEC. 213. CREDIT ALLOWED IN CASE OF CERTAIN SEPA-**
22 **RATED SPOUSES.**

23 (a) IN GENERAL.—Section 32(d) of the Internal Rev-
24 enue Code of 1986 is amended—

1 (1) by striking “MARRIED INDIVIDUALS.—In
2 the case of” and inserting the following: “MARRIED
3 INDIVIDUALS.—

4 “(1) IN GENERAL.—In the case of”, and
5 (2) by adding at the end the following new
6 paragraph:

7 “(2) DETERMINATION OF MARITAL STATUS.—
8 For purposes of this section—

9 “(A) IN GENERAL.—Except as provided in
10 subparagraph (B), marital status shall be deter-
11 mined under section 7703(a).

12 “(B) SPECIAL RULE FOR SEPARATED
13 SPOUSE.—An individual shall not be treated as
14 married if such individual—

15 “(i) is married (as determined under
16 section 7703(a)) and does not file a joint
17 return for the taxable year,

18 “(ii) lives with a qualifying child of
19 the individual for more than one-half of
20 such taxable year, and

21 “(iii)(I) during the last 6 months of
22 such taxable year, does not have the same
23 principal place of abode as the individual’s
24 spouse, or

1 “(II) has a decree, instrument, or
2 agreement (other than a decree of divorce)
3 described in section 121(d)(3)(C) with re-
4 spect to the individual’s spouse and is not
5 a member of the same household with the
6 individual’s spouse by the end of the tax-
7 able year.”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) Section 32(c)(1)(A) of such Code is amend-
10 ed by striking the last sentence.

11 (2) Section 32(c)(1)(E)(ii) of such Code is
12 amended by striking “(within the meaning of section
13 7703)”.

14 (3) Section 32(d)(1) of such Code, as amended
15 by subsection (a), is amended by striking “(within
16 the meaning of section 7703)”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to taxable years beginning after
19 the date of the enactment of this Act.

20 **SEC. 214. ELIMINATION OF DISQUALIFIED INVESTMENT IN-**
21 **COME TEST.**

22 (a) IN GENERAL.—Section 32 of the Internal Rev-
23 enue Code of 1986 is amended by striking subsection (i).

24 (b) CONFORMING AMENDMENTS.—

1 (1) Section 32(j)(1) of such Code is amended
2 by striking “subsections (b)(2) and (i)(1)” and in-
3 serting “subsection (b)(2)”.

4 (2) Section 32(j)(1)(B)(i) of such Code is
5 amended by striking “subsections (b)(2)(A) and
6 (i)(1)” and inserting “subsection (b)(2)(A)”.

7 (3) Section 32(j)(2) of such Code is amended—

8 (A) by striking subparagraph (B), and

9 (B) by striking “ROUNDING.—” and all
10 that follows through “If any dollar amount”
11 and inserting the following: “ROUNDING.—If
12 any dollar amount”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to taxable years beginning after
15 the date of the enactment of this Act.

16 **SEC. 215. APPLICATION OF EARNED INCOME TAX CREDIT**
17 **IN POSSESSIONS OF THE UNITED STATES.**

18 (a) IN GENERAL.—Chapter 77 of the Internal Rev-
19 enue Code of 1986 is amended by adding at the end the
20 following new section:

21 **“SEC. 7530. APPLICATION OF EARNED INCOME TAX CREDIT**
22 **TO POSSESSIONS OF THE UNITED STATES.**

23 “(a) PUERTO RICO.—

24 “(1) IN GENERAL.—With respect to calendar
25 year 2021 and each calendar year thereafter, the

1 Secretary shall, except as otherwise provided in this
2 subsection, make payments to Puerto Rico equal
3 to—

4 “(A) the specified matching amount for
5 such calendar year, plus

6 “(B) in the case of calendar years 2021
7 through 2025, the lesser of—

8 “(i) the expenditures made by Puerto
9 Rico during such calendar year for edu-
10 cation efforts with respect to individual
11 taxpayers and tax return preparers relat-
12 ing to the earned income tax credit, or

13 “(ii) \$1,000,000.

14 “(2) REQUIREMENT TO REFORM EARNED IN-
15 COME TAX CREDIT.—The Secretary shall not make
16 any payments under paragraph (1) with respect to
17 any calendar year unless Puerto Rico has in effect
18 an earned income tax credit for taxable years begin-
19 ning in or with such calendar year which (relative to
20 the earned income tax credit which was in effect for
21 taxable years beginning in or with calendar year
22 2019) increases the percentage of earned income
23 which is allowed as a credit for each group of indi-
24 viduals with respect to which such percentage is sep-

1 arately stated or determined in a manner designed
2 to substantially increase workforce participation.

3 “(3) SPECIFIED MATCHING AMOUNT.—For pur-
4 poses of this subsection—

5 “(A) IN GENERAL.—The term ‘specified
6 matching amount’ means, with respect to any
7 calendar year, the lesser of—

8 “(i) the excess (if any) of—

9 “(I) the cost to Puerto Rico of
10 the earned income tax credit for tax-
11 able years beginning in or with such
12 calendar year, over

13 “(II) the base amount for such
14 calendar year, or

15 “(ii) the product of 3, multiplied by
16 the base amount for such calendar year.

17 “(B) BASE AMOUNT.—

18 “(i) BASE AMOUNT FOR 2021.—In the
19 case of calendar year 2021, the term ‘base
20 amount’ means the greater of—

21 “(I) the cost to Puerto Rico of
22 the earned income tax credit for tax-
23 able years beginning in or with cal-
24 endar year 2019 (rounded to the
25 nearest multiple of \$1,000,000), or

1 “(II) \$200,000,000.

2 “(ii) INFLATION ADJUSTMENT.—In
3 the case of any calendar year after 2021,
4 the term ‘base amount’ means the dollar
5 amount determined under clause (i) in-
6 creased by an amount equal to—

7 “(I) such dollar amount, multi-
8 plied by—

9 “(II) the cost-of-living adjust-
10 ment determined under section 1(f)(3)
11 for such calendar year, determined by
12 substituting ‘calendar year 2020’ for
13 ‘calendar year 2016’ in subparagraph
14 (A)(ii) thereof.

15 Any amount determined under this clause
16 shall be rounded to the nearest multiple of
17 \$1,000,000.

18 “(4) RULES RELATED TO PAYMENTS AND RE-
19 PORTS.—

20 “(A) TIMING OF PAYMENTS.—The Sec-
21 retary shall make payments under paragraph
22 (1) for any calendar year—

23 “(i) after receipt of the report de-
24 scribed in subparagraph (B) for such cal-
25 endar year, and

1 “(ii) except as provided in clause (i),
2 within a reasonable period of time before
3 the due date for individual income tax re-
4 turns (as determined under the laws of
5 Puerto Rico) for taxable years which began
6 on the first day of such calendar year.

7 “(B) ANNUAL REPORTS.—With respect to
8 calendar year 2021 and each calendar year
9 thereafter, Puerto Rico shall provide to the Sec-
10 retary a report which shall include—

11 “(i) an estimate of the costs described
12 in paragraphs (1)(B)(i) and (3)(A)(i)(I)
13 with respect to such calendar year, and

14 “(ii) a statement of such costs with
15 respect to the preceding calendar year.

16 “(C) ADJUSTMENTS.—

17 “(i) IN GENERAL.—In the event that
18 any estimate of an amount is more or less
19 than the actual amount as later deter-
20 mined and any payment under paragraph
21 (1) was determined on the basis of such
22 estimate, proper payment shall be made
23 by, or to, the Secretary (as the case may
24 be) as soon as practicable after the deter-
25 mination that such estimate was inac-

1 curate. Proper adjustment shall be made in
2 the amount of any subsequent payments
3 made under paragraph (1) to the extent
4 that proper payment is not made under the
5 preceding sentence before such subsequent
6 payments.

7 “(ii) ADDITIONAL REPORTS.—The
8 Secretary may require such additional peri-
9 odic reports of the information described in
10 subparagraph (B) as the Secretary deter-
11 mines appropriate to facilitate timely ad-
12 justments under clause (i).

13 “(D) DETERMINATION OF COST OF
14 EARNED INCOME TAX CREDIT.—For purposes
15 of this subsection, the cost to Puerto Rico of
16 the earned income tax credit shall be deter-
17 mined by the Secretary on the basis of the laws
18 of Puerto Rico and shall include reductions in
19 revenues received by Puerto Rico by reason of
20 such credit and refunds attributable to such
21 credit, but shall not include any administrative
22 costs with respect to such credit.

23 “(E) PREVENTION OF MANIPULATION OF
24 BASE AMOUNT.—No payments shall be made
25 under paragraph (1) if the earned income tax

1 credit as in effect in Puerto Rico for taxable
2 years beginning in or with calendar year 2019
3 is modified after the date of the enactment of
4 this subsection.

5 “(b) POSSESSIONS WITH MIRROR CODE TAX SYS-
6 TEMS.—

7 “(1) IN GENERAL.—With respect to calendar
8 year 2021 and each calendar year thereafter, the
9 Secretary shall, except as otherwise provided in this
10 subsection, make payments to the Virgin Islands,
11 Guam, and the Commonwealth of the Northern Mar-
12 iana Islands equal to—

13 “(A) 75 percent of the cost to such posses-
14 sion of the earned income tax credit for taxable
15 years beginning in or with such calendar year,
16 plus

17 “(B) in the case of calendar years 2021
18 through 2025, the lesser of—

19 “(i) the expenditures made by such
20 possession during such calendar year for
21 education efforts with respect to individual
22 taxpayers and tax return preparers relat-
23 ing to such earned income tax credit, or

24 “(ii) \$50,000.

1 “(2) APPLICATION OF CERTAIN RULES.—Rules
2 similar to the rules of subparagraphs (A), (B), (C),
3 and (D) of subsection (a)(4) shall apply for purposes
4 of this subsection.

5 “(c) AMERICAN SAMOA.—

6 “(1) IN GENERAL.—With respect to calendar
7 year 2021 and each calendar year thereafter, the
8 Secretary shall, except as otherwise provided in this
9 subsection, make payments to American Samoa
10 equal to—

11 “(A) the lesser of—

12 “(i) 75 percent of the cost to Amer-
13 ican Samoa of the earned income tax cred-
14 it for taxable years beginning in or with
15 such calendar year, or

16 “(ii) \$12,000,000, plus

17 “(B) in the case of calendar years 2021
18 through 2025, the lesser of—

19 “(i) the expenditures made by Amer-
20 ican Samoa during such calendar year for
21 education efforts with respect to individual
22 taxpayers and tax return preparers relat-
23 ing to such earned income tax credit, or

24 “(ii) \$50,000.

1 “(2) REQUIREMENT TO ENACT AND MAINTAIN
2 AN EARNED INCOME TAX CREDIT.—The Secretary
3 shall not make any payments under paragraph (1)
4 with respect to any calendar year unless American
5 Samoa has in effect an earned income tax credit for
6 taxable years beginning in or with such calendar
7 year which allows a refundable tax credit to individ-
8 uals on the basis of the taxpayer’s earned income
9 which is designed to substantially increase workforce
10 participation.

11 “(3) INFLATION ADJUSTMENT.—In the case of
12 any calendar year after 2021, the \$12,000,000
13 amount in paragraph (1)(A)(ii) shall be increased by
14 an amount equal to—

15 “(A) such dollar amount, multiplied by—

16 “(B) the cost-of-living adjustment deter-
17 mined under section 1(f)(3) for such calendar
18 year, determined by substituting ‘calendar year
19 2020’ for ‘calendar year 2016’ in subparagraph
20 (A)(ii) thereof.

21 Any increase determined under this clause shall be
22 rounded to the nearest multiple of \$100,000.

23 “(4) APPLICATION OF CERTAIN RULES.—Rules
24 similar to the rules of subparagraphs (A), (B), (C),

1 and (D) of subsection (a)(4) shall apply for purposes
2 of this subsection.

3 “(d) TREATMENT OF PAYMENTS.—For purposes of
4 section 1324 of title 31, United States Code, the payments
5 under this section shall be treated in the same manner
6 as a refund due from a credit provision referred to in sub-
7 section (b)(2) of such section.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 for chapter 77 of such Code is amended by adding at the
10 end the following new item:

“Sec. 7529. Application of earned income tax credit to possessions of the
United States.”.

11 **Subtitle C—Child Tax Credit**

12 **SEC. 221. CHILD TAX CREDIT FULLY REFUNDABLE FOR 2020** 13 **THROUGH 2025.**

14 (a) IN GENERAL.—Section 24(h)(5) of the Internal
15 Revenue Code of 1986 is amended to read as follows:

16 “(5) REFUNDABLE CREDIT.—The increase de-
17 termined under the first sentence of subsection
18 (d)(1) shall be the amount determined under sub-
19 paragraph (A) of such subsection (determined with-
20 out regard to paragraph (4) of this subsection).”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 this section shall apply to taxable years beginning after
23 December 31, 2019.

1 **SEC. 222. APPLICATION OF CHILD TAX CREDIT IN POSSES-**
2 **SIONS.**

3 (a) IN GENERAL.—Section 24 of the Internal Rev-
4 enue Code of 1986 is amended by adding at the end the
5 following new subsection:

6 “(i) APPLICATION OF CREDIT IN POSSESSIONS.—

7 “(1) MIRROR CODE POSSESSIONS.—

8 “(A) IN GENERAL.—The Secretary shall
9 pay to each possession of the United States
10 with a mirror code tax system amounts equal to
11 the loss to that possession by reason of the ap-
12 plication of this section (determined without re-
13 gard to this subsection) with respect to taxable
14 years beginning after 2019. Such amounts shall
15 be determined by the Secretary of the Treasury
16 based on information provided by the govern-
17 ment of the respective possession.

18 “(B) COORDINATION WITH CREDIT AL-
19 LOWED AGAINST UNITED STATES INCOME
20 TAXES.—No credit shall be allowed under this
21 section for any taxable year to any individual to
22 whom a credit is allowable against taxes im-
23 posed by a possession with a mirror code tax
24 system by reason of the application of this sec-
25 tion in such possession for such taxable year.

1 “(C) MIRROR CODE TAX SYSTEM.—For
2 purposes of this paragraph, the term ‘mirror
3 code tax system’ means, with respect to any
4 possession of the United States, the income tax
5 system of such possession if the income tax li-
6 ability of the residents of such possession under
7 such system is determined by reference to the
8 income tax laws of the United States as if such
9 possession were the United States.

10 “(2) PUERTO RICO.—In the case of any bona
11 fide resident of Puerto Rico (within the meaning of
12 section 937(a))—

13 “(A) the credit determined under this sec-
14 tion shall be allowable to such resident,

15 “(B) in the case of any taxable year begin-
16 ning after December 31, 2021, and before Jan-
17 uary 1, 2027, the increase determined under
18 the first sentence of subsection (d)(1) shall be
19 the lesser of—

20 “(i) the amount determined under
21 subsection (d)(1)(A) (determined without
22 regard to subsection (h)(4)), or

23 “(ii) the dollar amount in effect under
24 subsection (h)(5), and

1 “(C) in the case of any taxable year after
2 December 31, 2026, the increase determined
3 under the first sentence of subsection (d)(1)
4 shall be the amount determined under sub-
5 section (d)(1)(A).

6 “(3) AMERICAN SAMOA.—

7 “(A) IN GENERAL.—The Secretary shall
8 pay to American Samoa amounts estimated by
9 the Secretary as being equal to the aggregate
10 benefits that would have been provided to resi-
11 dents of American Samoa by reason of the ap-
12 plication of this section for taxable years begin-
13 ning after 2019 if the provisions of this section
14 had been in effect in American Samoa.

15 “(B) DISTRIBUTION REQUIREMENT.—Sub-
16 paragraph (A) shall not apply unless American
17 Samoa has a plan, which has been approved by
18 the Secretary, under which American Samoa
19 will promptly distribute such payments to the
20 residents of American Samoa in a manner
21 which replicates to the greatest degree prac-
22 ticable the benefits that would have been so
23 provided to each such resident.

1 “(C) COORDINATION WITH CREDIT AL-
2 LOWED AGAINST UNITED STATES INCOME
3 TAXES.—

4 “(i) IN GENERAL.—In the case of a
5 taxable year with respect to which a plan
6 is approved under subparagraph (B), this
7 section (other than this subsection) shall
8 not apply to any individual eligible for a
9 distribution under such plan.

10 “(ii) APPLICATION OF SECTION IN
11 EVENT OF ABSENCE OF APPROVED
12 PLAN.—In the case of a taxable year with
13 respect to which a plan is not approved
14 under subparagraph (B), rules similar to
15 the rules of paragraph (2) shall apply with
16 respect to bona fide residents of American
17 Samoa (within the meaning of section
18 937(a)).

19 “(4) TREATMENT OF PAYMENTS.—The pay-
20 ments made under this subsection shall be treated in
21 the same manner for purposes of section 1324(b)(2)
22 of title 31, United States Code, as refunds due from
23 the credit allowed under this section.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to taxable years beginning after
3 December 31, 2019.

4 **SEC. 223. INCREASED CHILD TAX CREDIT FOR CHILDREN**

5 **WHO HAVE NOT ATTAINED AGE 6.**

6 (a) IN GENERAL.—Section 24(h)(2) of the Internal
7 Revenue Code of 1986 is amended to read to as follows:

8 “(2) CREDIT AMOUNT.—Subsection (a) shall be
9 applied by substituting ‘\$2,000 (\$3,600 in the case
10 of a qualifying child who has not attained age 6 as
11 of the close of the calendar year in which the taxable
12 year of the taxpayer begins)’ for ‘\$1,000’ ”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 this section shall apply to taxable years beginning after
15 December 31, 2019.

16 **Subtitle D—Dependent Care**
17 **Assistance**

18 **SEC. 231. REFUNDABILITY AND ENHANCEMENT OF CHILD**

19 **AND DEPENDENT CARE TAX CREDIT.**

20 (a) IN GENERAL.—Section 21 of the Internal Rev-
21 enue Code of 1986 is amended by adding at the end the
22 following new subsection:

23 “(g) SPECIAL RULES FOR 2020 AND 2021.—In the
24 case of any taxable year beginning in 2020 or 2021—

1 “(1) CREDIT MADE REFUNDABLE.—In the case
2 of an individual other than a nonresident alien, the
3 credit allowed under subsection (a) shall be treated
4 as a credit allowed under subpart C (and not allowed
5 under this subpart).

6 “(2) INCREASE IN APPLICABLE PERCENTAGE.—
7 Subsection (a)(2) shall be applied—

8 “(A) by substituting ‘50 percent’ for ‘35
9 percent’, and

10 “(B) by substituting ‘\$120,000’ for
11 ‘\$15,000’.

12 “(3) INCREASE IN DOLLAR LIMIT ON AMOUNT
13 CREDITABLE.—Subsection (c) shall be applied—

14 “(A) by substituting ‘\$6,000’ for ‘\$3,000’
15 in paragraph (1) thereof, and

16 “(B) by substituting ‘twice the amount in
17 effect under paragraph (1)’ for ‘\$6,000’ in
18 paragraph (2) thereof.

19 “(4) INFLATION ADJUSTMENT OF DOLLAR
20 AMOUNTS.—In the case of any taxable year begin-
21 ning after 2020, the \$120,000 amount in paragraph
22 (2)(B) and the \$6,000 amount in paragraph (3)(A)
23 shall each be increased by an amount equal to—

24 “(A) such dollar amount, multiplied by

1 “(B) the cost-of-living adjustment deter-
2 mined under section 1(f)(3) for the calendar
3 year in which the taxable year begins, deter-
4 mined by substituting ‘2019’ for ‘2016’ in sub-
5 paragraph (A)(ii) thereof.

6 If any increase determined under this paragraph is
7 not a multiple of \$100, such increase shall be round-
8 ed to the next lowest multiple of \$100.

9 “(5) INCOME LIMITATION.—

10 “(A) IN GENERAL.—Paragraphs (1)
11 through (4) of this subsection shall not apply to
12 any taxpayer for any taxable year if the modi-
13 fied adjusted gross income of such taxpayer for
14 such taxable year exceeds \$1,000,000.

15 “(B) MODIFIED ADJUSTED GROSS IN-
16 COME.—For purposes of this paragraph, the
17 term ‘modified adjusted gross income’ means
18 adjusted gross income determined without re-
19 gard to sections 911, 931, and 933.”.

20 (b) CONFORMING AMENDMENT.—Section 1324(b)(2)
21 of title 31, United States Code, is amended by inserting
22 “21 (by reason of subsection (g) thereof),” before “25A”.

23 (c) COORDINATION WITH POSSESSION TAX SYS-
24 TEMS.—Section 21(g)(1) of the Internal Revenue Code of

1 1986 (as added by this section) shall not apply to any per-
2 son—

3 (1) to whom a credit is allowed against taxes
4 imposed by a possession with a mirror code tax sys-
5 tem by reason of the application of section 21 of
6 such Code in such possession for such taxable year,
7 or

8 (2) to whom a credit would be allowed against
9 taxes imposed by a possession which does not have
10 a mirror code tax system if the provisions of section
11 21 of such Code had been in effect in such posses-
12 sion for such taxable year.

13 (d) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to taxable years beginning after
15 December 31, 2019.

16 **SEC. 232. INCREASE IN EXCLUSION FOR EMPLOYER-PRO-**
17 **VIDED DEPENDENT CARE ASSISTANCE.**

18 (a) IN GENERAL.—Section 129(a)(2) of the Internal
19 Revenue Code of 1986 is amended by adding at the end
20 the following new subparagraph:

21 “(D) SPECIAL RULE FOR 2021 AND 2022.—
22 In the case of any taxable year beginning in
23 2021 or 2022—

24 “(i) IN GENERAL.—Subparagraph (A)
25 shall be applied be substituting ‘\$10,500

1 (half such dollar amount’ for ‘\$5,000
2 (\$2,500’.

3 “(ii) INFLATION ADJUSTMENT.—In
4 the case of any taxable year beginning
5 after 2021, the \$10,500 amount in clause
6 (i) shall be increased by an amount equal
7 to—

8 “(I) such dollar amount, multi-
9 plied by

10 “(II) the cost-of-living adjust-
11 ment determined under section 1(f)(3)
12 for the calendar year in which the tax-
13 able year begins, determined by sub-
14 stituting ‘2020’ for ‘2016’ in subpara-
15 graph (A)(ii) thereof.

16 Any increase determined under the pre-
17 ceding sentence which is not a multiple of
18 \$50, shall be rounded to the nearest mul-
19 tiple of \$50.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 this section shall apply to taxable years beginning after
22 December 31, 2020.

1 **Subtitle E—Net Operating Losses**

2 **SEC. 241. FIVE-YEAR CARRYBACK OF NET OPERATING** 3 **LOSSES AND TEMPORARY SUSPENSION OF** 4 **TAXABLE INCOME LIMITATION.**

5 (a) IN GENERAL.—Section 172 of the Internal Rev-
6 enue Code of 1986 is amended by redesignating subsection
7 (g) as subsection (h) and by inserting after subsection (f)
8 the following new subsection:

9 “(g) SPECIAL RULES FOR 2018, 2019, and 2020.—
10 For purposes of this section—

11 “(1) FIVE-YEAR CARRYBACK.—

12 “(A) IN GENERAL.—Any net operating loss
13 arising in a taxable year beginning after De-
14 cember 31, 2017, and before January 1,
15 2021—

16 “(i) shall be a net operating loss
17 carryback to each of the 5 taxable years
18 preceding the taxable year of such loss
19 (but not to any taxable year beginning be-
20 fore January 1, 2015), and

21 “(ii) subparagraphs (B) and (C)(i) of
22 subsection (b)(1) shall not apply.

23 “(B) ELECTION OUT.—A taxpayer may
24 elect not to have subparagraph (A) apply for
25 any taxable year. Such election shall be made in

1 such manner as may be prescribed by the Sec-
2 retary, and shall be made—

3 “(i) in the case of any election relat-
4 ing to a net operating loss arising in a tax-
5 able year beginning in 2018 or 2019, by
6 the due date (including extension of time)
7 for filing the return for the taxpayer’s first
8 taxable year ending after the date of the
9 enactment of this subparagraph.

10 “(ii) in the case of any election relat-
11 ing to a net operating loss arising in a tax-
12 able year beginning in 2020, by the due
13 date (including extensions of time) for
14 such taxable year.

15 Any such election, once made, shall be irrev-
16 ocable.

17 “(2) SUSPENSION OF NET OPERATING LOSS
18 LIMITATION.—For taxable years beginning after De-
19 cember 31, 2017, and before January 1, 2021, the
20 amount of the deduction allowed under subsection
21 (a) shall be the aggregate of the net operating loss
22 carryovers to such year, plus the net operating loss
23 carrybacks to such year.

24 “(3) DISQUALIFIED TAXPAYER.—Paragraphs
25 (1) and (2) shall not apply with respect to any tax-

1 able year in which the taxpayer is a disqualified tax-
2 payer. Any taxpayer who is a disqualified taxpayer
3 in the first taxable year ending after the date of the
4 enactment of this paragraph, shall be treated as a
5 disqualified taxpayer for taxable years beginning on
6 or after January 1, 2018.

7 “(4) DEFINITIONS.—For purposes of this sub-
8 section—

9 “(A) DISQUALIFIED TAXPAYER.—A tax-
10 payer is a disqualified taxpayer with respect to
11 a taxable year if—

12 “(i) in the case of a taxable year end-
13 ing after December 31, 2019, and begin-
14 ning before January 1, 2021, the taxpayer
15 (or any related person) is not allowed a de-
16 duction under this chapter for the taxable
17 year by reason of section 162(m) or section
18 280G, or

19 “(ii) the taxpayer (or any related per-
20 son) is a specified corporation for the tax-
21 able year.

22 “(B) SPECIFIED CORPORATION.—

23 “(i) IN GENERAL.—The term ‘speci-
24 fied corporation’ means, with respect to
25 any taxable year, a corporation the aggre-

1 gate distributions (including redemptions)
2 of which during any taxable year ending
3 after December 31, 2017, exceed the sum
4 of applicable stock issued of such corpora-
5 tion and 5 percent of the fair market value
6 of the stock of such corporation as of the
7 last day of the taxable year.

8 “(ii) APPLICABLE STOCK ISSUED.—
9 The term ‘applicable stock issued’ means,
10 with respect to any corporation, the aggre-
11 gate value of stock issued by the corpora-
12 tion during any taxable year ending after
13 December 31, 2017, in exchange for money
14 or property other than stock in such cor-
15 poration.

16 “(iii) CERTAIN PREFERRED STOCK
17 DISREGARDED.—For purposes of clause
18 (i), stock described in section 1504(a)(4),
19 and distributions (including redemptions)
20 with respect to such stock, shall be dis-
21 regarded.

22 “(C) RELATED PERSON.—A person is a re-
23 lated person to a taxpayer if the related person
24 bears a relationship to the taxpayer specified in
25 section 267(b) or section 707(b)(1).

1 “(5) SPECIAL RULE FOR LIFE INSURANCE COM-
2 PANIES.—In the case of a net operating loss of a life
3 insurance company which arises in a taxable year
4 beginning after December 31, 2017, and before Janu-
5 ary 1, 2021, and which is a net operating loss
6 carryback to a taxable year beginning before Janu-
7 ary 1, 2018, such net operating loss shall be treated
8 as an operations loss deduction under subchapter L
9 (as in effect before the enactment of Public Law
10 115–97) with respect to such taxable year in the
11 same manner as a loss arising in a taxable year be-
12 ginning before January 1, 2018.”.

13 (b) COORDINATION WITH TAXABLE YEAR FOR
14 WHICH DEFERRED FOREIGN INCOME TREATED AS SUB-
15 PART F INCOME.—Section 965(n) of such Code is amend-
16 ed by adding at the end the following new paragraph:

17 “(4) DEEMED ELECTION IN CASE OF CERTAIN
18 NET OPERATING LOSS CARRYBACKS.—In the case of
19 a net operating loss carryback to such taxable year
20 by reason of section 172(g)(1), the taxpayer shall be
21 treated as having elected the application of this sub-
22 section for such taxable year.”.

23 (c) CONFORMING AMENDMENT.—Section 172(b)(1)
24 of such Code is amended by inserting “and subsection (g)”
25 after “this paragraph”.

1 (d) REGULATORY AUTHORITY.—The Secretary of the
2 Treasury (or the Secretary’s delegate) shall prescribe such
3 regulations or other guidance as are necessary or appro-
4 priate to prevent the abuse of the purposes of the amend-
5 ments made by this section, including—

6 (1) anti-stuffing rules, anti-churning rules (in-
7 cluding rules relating to sale-leasebacks), and rules
8 similar to the rules under section 1091 of the Inter-
9 nal Revenue Code of 1986 relating to losses from
10 wash sales,

11 (2) rules applying this subsection to successor
12 corporations and in cases where a taxpayer becomes,
13 or ceases to be, a member of an affiliated group fil-
14 ing a consolidated return under section 1501 of such
15 Code,

16 (3) rules treating members of an affiliated
17 group filing a consolidated return under section
18 1501 of such Code as a single corporation, and

19 (4) rules to prevent the avoidance of this sec-
20 tion through related parties, pass-through entities,
21 and intermediaries.

22 (e) SPECIAL RULES.—Rules similar to the rules of
23 subparagraphs (B) and (D) of section 172(b)(1) of the
24 Internal Revenue Code of 1986, as in effect on the day
25 before the date of the enactment of Public Law 115–97,

1 shall apply to any net operating loss to which the amend-
2 ment made by this section applies. The Secretary of the
3 Treasury (or the Secretary's delegate) shall prescribe such
4 regulations or other guidance as are necessary or appro-
5 priate to effect the purposes of such subparagraphs with
6 respect to any such net operating losses.

7 (f) EFFECTIVE DATE.—

8 (1) NET OPERATING LOSS LIMITATION.—Ex-
9 cept as provided in paragraph (2), the amendments
10 made by subsections (a) shall apply to—

11 (A) taxable years beginning after Decem-
12 ber 31, 2017, and

13 (B) taxable years beginning on or before
14 December 31, 2017, to which net operating
15 losses arising in taxable years beginning after
16 December 31, 2017, are carried.

17 (2) CARRYBACKS.—In the case of the amend-
18 ments made by subsections (b) and (c), and so much
19 of subsection (a) as relates to the carryback of net
20 operating losses, such amendments shall apply to net
21 operating losses arising in taxable years ending after
22 December 31, 2017, and beginning before January
23 1, 2021.

1 **Subtitle F—Employee Retention**
2 **Credit**

3 **SEC. 251. PAYROLL CREDIT FOR CERTAIN EMPLOYERS AF-**
4 **FECTED BY COVID-19.**

5 (a) **IN GENERAL.**—In the case of an eligible em-
6 ployer, there shall be allowed as a credit against the tax
7 imposed by section 3111(a) or 3221(a) of the Internal
8 Revenue Code of 1986 for each calendar quarter an
9 amount equal to 80 percent of the qualified wages allo-
10 cable to the inoperable trade or business with respect to
11 each employee of such employer for such calendar quarter.

12 (b) **LIMITATIONS AND REFUNDABILITY.**—

13 (1) **WAGES TAKEN INTO ACCOUNT.**—The
14 amount of qualified wages with respect to any em-
15 ployee which may be taken into account under sub-
16 section (a) by the eligible employer for all calendar
17 quarters shall not exceed \$10,000.

18 (2) **CREDIT LIMITED TO EMPLOYMENT**
19 **TAXES.**—The credit allowed by subsection (a) with
20 respect to any calendar quarter shall not exceed the
21 tax imposed by section 3111(a) or 3221(a) of the
22 Internal Revenue Code of 1986 for such calendar
23 quarter (reduced by any credits allowed under sub-
24 sections (e) and (f) of section 3111 and sections
25 7001 and 7003 of the Families First Coronavirus

1 Response Act) on the wages paid with respect to the
2 employment of all the employees of the eligible em-
3 ployer.

4 (3) REFUNDABILITY OF EXCESS CREDIT.—

5 (A) IN GENERAL.—If the amount of the
6 credit under subsection (a) exceeds the limita-
7 tion of paragraph (2) for any calendar quarter,
8 such excess shall be treated as an overpayment
9 that shall be refunded under sections 6402(a)
10 and 6413(b) of such Code.

11 (B) TREATMENT OF PAYMENTS.—For pur-
12 poses of section 1324 of title 31, United States
13 Code, any amounts due to the employer under
14 this paragraph shall be treated in the same
15 manner as a refund due from a credit provision
16 referred to in subsection (b)(2) of such section.

17 (c) DEFINITIONS.—For purposes of this section—

18 (1) ELIGIBLE EMPLOYER.—The term “eligible
19 employer” means an employer—

20 (A) which conducted an active trade or
21 business on January 31, 2020,

22 (B) with respect to which such trade or
23 business is an inoperable trade or business after
24 January 31, 2020 during any calendar quarter,
25 and

1 (C) which had either—

2 (i) no more than 1,500 full-time
3 equivalent employees (as defined in section
4 45R(d)(2) of the Internal Revenue Code of
5 1986) for calendar year 2019, or

6 (ii) no more than \$41.5 million in
7 gross receipts in calendar year 2019.

8 (2) INOPERABLE TRADE OR BUSINESS.—The
9 term “inoperable trade or business” means any
10 trade or business of an eligible employer for which
11 gross receipts for the calendar quarter are less than
12 80 percent of gross receipts for the same calendar
13 quarter for the prior year.

14 (3) QUALIFIED WAGES.—The term “qualified
15 wages” means wages (as defined in section 3121(a)
16 of such Code) or compensation (as defined in section
17 3231(e) of such Code) paid or incurred by an eligi-
18 ble employer with respect to an employee on any day
19 after January 31, 2020 and before December 31,
20 2020 that falls during the designated period, except
21 that such term shall not include any wages taken
22 into account under section 7001 or section 7003 of
23 the Families First Coronavirus Response Act.

24 (4) DESIGNATED PERIOD.—The term “des-
25 ignated period” means the period—

1 (A) beginning in the calendar quarter in
2 which the trade or business became an inoper-
3 able trade or business, and

4 (B) ending in the calendar quarter for
5 which the gross receipts of the trade or busi-
6 ness of the eligible employer are greater than
7 90 percent of gross receipts for the same cal-
8 endar quarter for the prior year.

9 Such term shall include wages paid or incurred with-
10 out regard to whether the employee performs no
11 services, performs services at a different place of em-
12 ployment, or performs services during the period in
13 which the eligible employer is an inoperable trade or
14 business.

15 (d) AGGREGATION RULE.—All persons treated as a
16 single employer under subsection (a) or (b) of section 52
17 of such Code, or subsection (m) or (o) of section 414 of
18 such Code, shall be treated as one eligible employer for
19 purposes of this section.

20 (e) DENIAL OF DOUBLE BENEFIT.—For purposes of
21 chapter 1 of such Code, the gross income of the employer
22 for the taxable year which includes the last day of any
23 calendar quarter with respect to which a credit is allowed
24 under this section shall be increased by the amount of
25 such credit.

1 (f) SPECIAL RULE FOR THIRD PARTY PAYORS.—Any
2 credit allowed under this section shall be treated as a cred-
3 it described in section 3511(d)(2) of such Code.

4 (g) ELECTION NOT TO HAVE SECTION APPLY.—This
5 section shall not apply with respect to any eligible em-
6 ployer for any calendar quarter if such employer elects (at
7 such time and in such manner as the Secretary of the
8 Treasury (or the Secretary’s delegate) may prescribe) not
9 to have this section apply.

10 (h) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE
11 THAN ONCE.—An employee shall not be treated as an em-
12 ployee for purposes of this section for any period with re-
13 spect to any employer if such employer is allowed a credit
14 under section 51 of such Code with respect to such em-
15 ployee for such period.

16 (i) REGULATIONS.—The Secretary of the Treasury
17 (or the Secretary’s delegate) shall prescribe such regula-
18 tions or other guidance as may be necessary to carry out
19 the purposes of this section, including—

20 (1) regulations or other guidance providing for
21 waiver of penalties for failure to deposit amounts in
22 anticipation of the allowance of the credit allowed
23 under this section,

1 (2) regulations or other guidance regarding the
2 form and manner for recapturing credits under this
3 section,

4 (3) regulations or other guidance to prevent the
5 avoidance of the purposes of this section,

6 (4) regulations or other guidance describing
7 proper calculation of gross receipts for purposes of
8 subsection (c) for eligible employers that did not op-
9 erate a trade or business in prior calendar quarters,
10 and

11 (5) regulations or other guidance regarding the
12 application of the credit under subsection (a) to
13 third party payors (including professional employer
14 organizations, certified professional employer organi-
15 zations, or agents under section 3504 of such Code),
16 including regulations or other guidance allowing
17 such payors to submit documentation necessary to
18 substantiate the eligible employer status of employ-
19 ers that use such payors.

20 (j) TRANSFERS TO FEDERAL OLD-AGE AND SUR-
21 VIVORS INSURANCE TRUST FUND.—There are hereby ap-
22 propriated to the Federal Old-Age and Survivors Insur-
23 ance Trust Fund and the Federal Disability Insurance
24 Trust Fund established under section 201 of the Social
25 Security Act (42 U.S.C. 401) and the Social Security

1 Equivalent Benefit Account established under section
2 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C.
3 14 231n–1(a)) amounts equal to the reduction in revenues
4 to the Treasury by reason of this section (without regard
5 to this subsection). Amounts appropriated by the pre-
6 ceding sentence shall be transferred from the general fund
7 at such times and in such manner as to replicate to the
8 extent possible the transfers which would have occurred
9 to such Trust Fund or Account had this section not been
10 enacted.

11 **Subtitle G—Credits for Paid Sick**
12 **and Family Leave**

13 **SEC. 261. EXTENSION OF CREDITS.**

14 Sections 7001(g), 7002(e), 7003(g), and 7004(e) of
15 Public Law 116–127 are each amended by striking
16 “2020” and inserting “2021”.

17 **SEC. 262. REPEAL OF REDUCED RATE OF CREDIT FOR CER-**
18 **TAIN LEAVE.**

19 (a) PAYROLL CREDIT.—Section 7001(b) of Public
20 Law 116–127 is amended by striking “\$200 (\$511 in the
21 case of any day any portion of which is paid sick time
22 described in paragraph (1), (2), or (3) of section 5102(a)
23 of the Emergency Paid Sick Leave Act)” and inserting
24 “\$511”.

25 (b) SELF-EMPLOYED CREDIT.—

1 (1) IN GENERAL.—Section 7002(c)(1)(B) of
2 Public Law 116–127 is amended to read as follows:

3 “(B) the lesser of—

4 “(i) \$511, or

5 “(ii) the average daily self-employ-
6 ment income of the individual for the tax-
7 able year.”.

8 (2) CONFORMING AMENDMENT.—Section
9 7002(d)(3) of Public Law 116–127 is amended by
10 striking “\$2,000 (\$5,110 in the case of any day any
11 portion of which is paid sick time described in para-
12 graph (1), (2), or (3) of section 5102(a) of the
13 Emergency Paid Sick Leave Act)” and inserting
14 “\$5,110”.

15 **SEC. 263. FEDERAL, STATE, AND LOCAL GOVERNMENTS AL-**
16 **LOWED TAX CREDITS FOR PAID SICK AND**
17 **PAID FAMILY AND MEDICAL LEAVE.**

18 (a) CREDIT FOR REQUIRED PAID SICK LEAVE.—Sec-
19 tion 7001(e) of Public Law 116–127 is amended by strik-
20 ing paragraph (4).

21 (b) CREDIT FOR REQUIRED PAID FAMILY LEAVE.—
22 Section 7003(e) of Public Law 116–127 is amended by
23 striking paragraph (4).

1 **SEC. 264. CREDITS NOT ALLOWED TO CERTAIN LARGE EM-**
2 **PLOYERS.**

3 (a) CREDIT FOR REQUIRED PAID SICK LEAVE.—

4 (1) IN GENERAL.—Section 7001(a) of Public
5 Law 116–127 is amended by striking “In the case
6 of an employer” and inserting “In the case of an eli-
7 gible employer”.

8 (2) ELIGIBLE EMPLOYER.—Section 7001(c) of
9 Public Law 116–127 is amended by striking “For
10 purposes of this section, the term” and all that pre-
11 ceedes it and inserting the following:

12 “(c) DEFINITIONS.—For purposes of this section—

13 “(1) ELIGIBLE EMPLOYER.—The term ‘eligible
14 employer’ means any employer other an applicable
15 large employer (as defined in section 4980H(c)(2),
16 determined by substituting ‘500’ for ‘50’ each place
17 it appears in subparagraphs (A) and (B) thereof and
18 without regard to subparagraphs (D) and (F) there-
19 of). For purposes of the preceding sentence, the
20 Government of the United States, the government of
21 any State or political subdivision thereof, or any
22 agency or instrumentality of any of the foregoing,
23 shall not be treated as an applicable large employer.

24 “(2) QUALIFIED SICK LEAVE WAGES.—The
25 term”.

26 (b) CREDIT FOR REQUIRED PAID FAMILY LEAVE.—

1 (1) IN GENERAL.—Section 7003(a) of Public
2 Law 116–127 is amended by striking “In the case
3 of an employer” and inserting “In the case of an eli-
4 gible employer”.

5 (2) ELIGIBLE EMPLOYER.—Section 7003(c) of
6 Public Law 116–127 is amended by striking “For
7 purposes of this section, the term” and all that pre-
8 cedes it and inserting the following:

9 “(c) DEFINITIONS.—For purposes of this section—

10 “(1) ELIGIBLE EMPLOYER.—The term ‘eligible
11 employer’ means any employer other an applicable
12 large employer (as defined in section 4980H(c)(2),
13 determined by substituting ‘500’ for ‘50’ each place
14 it appears in subparagraphs (A) and (B) thereof and
15 without regard to subparagraphs (D) and (F) there-
16 of). For purposes of the preceding sentence, the
17 Government of the United States, the government of
18 any State or political subdivision thereof, or any
19 agency or instrumentality of any of the foregoing,
20 shall not be treated as an applicable large employer.

21 “(2) QUALIFIED FAMILY LEAVE WAGES.—The
22 term”.

1 **SEC. 265. EFFECTIVE DATE.**

2 The amendments made by this title shall take effect
3 as if included in the provisions of Public Law 116–127
4 to which they relate.

5 **TITLE III—ADMINISTRATIVE**

6 **SEC. 301. DELAY OF CERTAIN DEADLINES.**

7 (a) **FILING DEADLINES FOR 2019.**—In the case of
8 any return required to be filed for a taxable year ending
9 in 2019, including for purposes of section 6151(a) of the
10 Internal Revenue Code of 1986, section 6072(a) of such
11 Code shall be applied—

12 (1) by substituting “July” for “April”, and

13 (2) by substituting “the seventh month” for
14 “the fourth month”.

15 (b) **ESTIMATED TAX PAYMENTS FOR INDIVID-**
16 **UALS.**—

17 (1) **IN GENERAL.**—In the case of an individual,
18 the due date for any required installment under sec-
19 tion 6654 of the Internal Revenue Code of 1986
20 which (but for the application of this section) would
21 be due during the applicable period shall not be due
22 before October 15, 2020, and all such installments
23 shall be treated as one installment due on such date.
24 The Secretary of the Treasury (or the Secretary’s
25 delegate) shall prescribe such regulations or other

1 guidance as may be necessary to carry out the pur-
2 poses of this subsection.

3 (2) APPLICABLE PERIOD.—For purposes of this
4 subsection, the applicable period is the period begin-
5 ning on the date of the enactment of this Act and
6 ending before October 15, 2020.

7 **TITLE IV—RETIREMENT** 8 **PROVISIONS**

9 **SEC. 401. SPECIAL RULES FOR USE OF RETIREMENT** 10 **FUNDS.**

11 (a) TAX-FAVORED WITHDRAWALS FROM RETIRE-
12 MENT PLANS.—

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

16 (2) AGGREGATE DOLLAR LIMITATION.—

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

22 (B) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would
23 (without regard to subparagraph (A)) be a
24 coronavirus-related distribution, a plan shall not
25

1 be treated as violating any requirement of the
2 Internal Revenue Code of 1986 merely because
3 the plan treats such distribution as a
4 coronavirus-related distribution, unless the ag-
5 gregate amount of such distributions from all
6 plans maintained by the employer (and any
7 member of any controlled group which includes
8 the employer) to such individual exceeds
9 \$100,000.

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

16 (3) AMOUNT DISTRIBUTED MAY BE REPAYED.—

17 (A) IN GENERAL.—Any individual who re-
18 ceives a coronavirus-related distribution may, at
19 any time during the 3-year period beginning on
20 the day after the date on which such distribu-
21 tion was received, make 1 or more contributions
22 in an aggregate amount not to exceed the
23 amount of such distribution to an eligible retire-
24 ment plan of which such individual is a bene-
25 ficiary and to which a rollover contribution of

1 such distribution could be made under section
2 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or
3 457(e)(16), of the Internal Revenue Code of
4 1986, as the case may be.

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

21 (C) TREATMENT OF REPAYMENTS OF DIS-
22 TRIBUTIONS FROM IRAS.—For purposes of the
23 Internal Revenue Code of 1986, if a contribu-
24 tion is made pursuant to subparagraph (A)
25 with respect to a coronavirus-related distribu-

1 tion from an individual retirement plan (as de-
2 fined by section 7701(a)(37) of such Code),
3 then, to the extent of the amount of the con-
4 tribution, the coronavirus-related distribution
5 shall be treated as a distribution described in
6 section 408(d)(3) of such Code and as having
7 been transferred to the eligible retirement plan
8 in a direct trustee to trustee transfer within 60
9 days of the distribution.

10 (4) DEFINITIONS.—For purposes of this sub-
11 section—

12 (A) CORONAVIRUS-RELATED DISTRIBU-
13 TION.—Except as provided in paragraph (2),
14 the term “coronavirus-related distribution”
15 means any distribution from an eligible retire-
16 ment plan made—

17 (i) on or after January 1, 2020, and
18 before December 31, 2020,

19 (ii) to an individual—

20 (I) who is diagnosed with the
21 virus SARS-CoV-2 or with
22 coronavirus disease 2019 (COVID-
23 19) by a test approved by the Centers
24 for Disease Control and Prevention,

1 (II) whose spouse or dependent
2 (as defined in section 152 of the In-
3 ternal Revenue Code of 1986) is diag-
4 nosed with such virus or disease by
5 such a test, or

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

19 (B) EMPLOYEE CERTIFICATION.—The ad-
20 ministrator of an eligible retirement plan may
21 rely on an employee's certification that the em-
22 ployee satisfies the conditions of subparagraph
23 (A)(ii) in determining whether any distribution
24 is a coronavirus-related distribution.

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

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

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

14 (B) SPECIAL RULE.—For purposes of sub-
15 paragraph (A), rules similar to the rules of sub-
16 paragraph (E) of section 408A(d)(3) of the In-
17 ternal Revenue Code of 1986 shall apply.

18 (6) SPECIAL RULES.—

19 (A) EXEMPTION OF DISTRIBUTIONS FROM
20 TRUSTEE TO TRUSTEE TRANSFER AND WITH-
21 HOLDING RULES.—For purposes of sections
22 401(a)(31), 402(f), and 3405 of the Internal
23 Revenue Code of 1986, coronavirus-related dis-
24 tributions shall not be treated as eligible roll-
25 over distributions.

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

9 (b) LOANS FROM QUALIFIED PLANS.—

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

17 (A) clause (i) of section 72(p)(2)(A) of
18 such Code shall be applied by substituting
19 “\$100,000” for “\$50,000”, and

20 (B) clause (ii) of such section shall be ap-
21 plied by substituting “the present value of the
22 nonforfeitable accrued benefit of the employee
23 under the plan” for “one-half of the present
24 value of the nonforfeitable accrued benefit of
25 the employee under the plan”.

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

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

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

20 (C) in determining the 5-year period and
21 the term of a loan under subparagraph (B) or
22 (C) of section 72(p)(2) of such Code, the period
23 described in subparagraph (A) of this para-
24 graph shall be disregarded.

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

5 (c) PROVISIONS RELATING TO PLAN AMEND-
6 MENTS.—

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

12 (2) AMENDMENTS TO WHICH SUBSECTION AP-
13 PLIES.—

14 (A) IN GENERAL.—This subsection shall
15 apply to any amendment to any plan or annuity
16 contract which is made—

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

23 (ii) on or before the last day of the
24 first plan year beginning on or after Janu-
25 ary 1, 2022, or such later date as the Sec-

1 retary of the Treasury (or the Secretary's
2 delegate) may prescribe.

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

8 (B) CONDITIONS.—This subsection shall
9 not apply to any amendment unless—

10 (i) during the period—

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

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

22 the plan or contract is operated as if such
23 plan or contract amendment were in effect,
24 and

1 (ii) such plan or contract amendment
2 applies retroactively for such period.

3 **SEC. 402. SINGLE-EMPLOYER PLAN FUNDING RULES.**

4 (a) DELAY IN PAYMENT OF MINIMUM REQUIRED
5 CONTRIBUTIONS.—In the case of any minimum required
6 contribution (as determined under section 430(a) of the
7 Internal Revenue Code of 1986 and section 303(a) of the
8 Employee Retirement Income Security Act of 1974 (29
9 U.S.C. 1083(a))) which (but for this section) would other-
10 wise be due under section 430(j) of such Code (including
11 quarterly contributions under paragraph (3) thereof) and
12 section 303(j) of such Act (29 U.S.C. 1083(j)) (including
13 quarterly contributions under paragraph (3) thereof) dur-
14 ing calendar year 2020—

15 (1) such contributions shall not be required to
16 be made until January 1, 2021, and

17 (2) the amount of each such minimum required
18 contribution shall be increased by interest accruing
19 for the period between the original due date (without
20 regard to this section) for the contribution and the
21 payment date, at the effective rate of interest for the
22 plan for the plan year which includes such payment
23 date.

24 (b) BENEFIT RESTRICTION STATUS.—For purposes
25 of section 436 of the Internal Revenue Code of 1986 and

1 section 206(g) of the Employee Retirement Income Secu-
2 rity Act of 1974 (29 U.S.C. 1056(g)), a plan sponsor may
3 elect to treat the plan’s adjusted funding target attain-
4 ment percentage for the last plan year ending before Janu-
5 ary 1, 2020, as the adjusted funding target attainment
6 percentage for plan years which include calendar year
7 2020.

8 **SEC. 403. TEMPORARY WAIVER OF REQUIRED MINIMUM**
9 **DISTRIBUTION RULES FOR CERTAIN RETIRE-**
10 **MENT PLANS AND ACCOUNTS.**

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

14 “(I) TEMPORARY WAIVER OF MINIMUM RE-
15 QUIRED DISTRIBUTION.—

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

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

22 “(II) a defined contribution plan
23 which is an eligible deferred com-
24 pensation plan described in section
25 457(b) but only if such plan is main-

1 tained by an employer described in
2 section 457(e)(1)(A), or

3 “(III) an individual retirement
4 plan.

5 “(ii) SPECIAL RULE FOR REQUIRED
6 BEGINNING DATES IN 2020.—Clause (i)
7 shall apply to any distribution which is re-
8 quired to be made in calendar year 2020
9 by reason of—

10 “(I) a required beginning date
11 occurring in such calendar year, and

12 “(II) such distribution not having
13 been made before January 1, 2020.

14 “(iii) SPECIAL RULES REGARDING
15 WAIVER PERIOD.—For purposes of this
16 paragraph—

17 “(I) the required beginning date
18 with respect to any individual shall be
19 determined without regard to this
20 subparagraph for purposes of applying
21 this paragraph for calendar years
22 after 2020,

23 “(II) if clause (ii) of subpara-
24 graph (B) applies, the 5-year period
25 described in such clause shall be de-

1 terminated without regard to calendar
2 year 2020,

3 “(III) if clause (iii) of subpara-
4 graph (E) applies, the 10-year period
5 described in such clause shall be de-
6 termined without regard to calendar
7 year 2020, and

8 “(IV) if clause (i) of subpara-
9 graph (H) applies, the 10-year period
10 described in such clause shall be de-
11 termined without regard to calendar
12 year 2020.”.

13 (b) ELIGIBLE ROLLOVER DISTRIBUTIONS.—Section
14 402(c)(4) of the Internal Revenue Code of 1986 is amend-
15 ed by striking “2009” each place it appears in the last
16 sentence and inserting “2020”.

17 (c) EFFECTIVE DATES.—

18 (1) IN GENERAL.—The amendments made by
19 this section shall apply for calendar years beginning
20 after December 31, 2019.

21 (2) PROVISIONS RELATING TO PLAN OR CON-
22 TRACT AMENDMENTS.—

23 (A) IN GENERAL.—If this paragraph ap-
24 plies to any pension plan or contract amend-
25 ment, such pension plan or contract shall not

1 fail to be treated as being operated in accord-
2 ance with the terms of the plan during the pe-
3 riod described in subparagraph (B)(ii) solely be-
4 cause the plan operates in accordance with this
5 section.

6 (B) AMENDMENTS TO WHICH PARAGRAPH
7 APPLIES.—

8 (i) IN GENERAL.—This paragraph
9 shall apply to any amendment to any pen-
10 sion plan or annuity contract which—

11 (I) is made pursuant to the
12 amendments made by this section,
13 and

14 (II) is made on or before the last
15 day of the first plan year beginning
16 on or after January 1, 2022.

17 In the case of a governmental plan, sub-
18 clause (II) shall be applied by substituting
19 “2024” for “2022”.

20 (ii) CONDITIONS.—This paragraph
21 shall not apply to any amendment unless
22 during the period beginning on the effec-
23 tive date of the amendment and ending on
24 December 31, 2020, the plan or contract is

1 operated as if such plan or contract
2 amendment were in effect.

3 **SEC. 404. MODIFICATION OF SPECIAL RULES FOR MINIMUM**
4 **FUNDING STANDARDS FOR COMMUNITY**
5 **NEWSPAPER PLANS.**

6 (a) AMENDMENT TO INTERNAL REVENUE CODE OF
7 1986.—Subsection (m) of section 430 of the Internal Rev-
8 enue Code of 1986, as added by the Setting Every Com-
9 munity Up for Retirement Enhancement Act of 2019, is
10 amended to read as follows:

11 “(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER
12 PLANS.—

13 “(1) IN GENERAL.—An eligible newspaper plan
14 sponsor of a plan under which no participant has
15 had the participant’s accrued benefit increased
16 (whether because of service or compensation) after
17 April 2, 2019, may elect to have the alternative
18 standards described in paragraph (4) apply to such
19 plan.

20 “(2) ELIGIBLE NEWSPAPER PLAN SPONSOR.—
21 The term ‘eligible newspaper plan sponsor’ means
22 the plan sponsor of—

23 “(A) any community newspaper plan, or

24 “(B) any other plan sponsored, as of April
25 2, 2019, by a member of the same controlled

1 group of a plan sponsor of a community news-
2 paper plan if such member is in the trade or
3 business of publishing 1 or more newspapers.

4 “(3) ELECTION.—An election under paragraph
5 (1) shall be made at such time and in such manner
6 as prescribed by the Secretary. Such election, once
7 made with respect to a plan year, shall apply to all
8 subsequent plan years unless revoked with the con-
9 sent of the Secretary.

10 “(4) ALTERNATIVE MINIMUM FUNDING STAND-
11 ARDS.—The alternative standards described in this
12 paragraph are the following:

13 “(A) INTEREST RATES.—

14 “(i) IN GENERAL.—Notwithstanding
15 subsection (h)(2)(C) and except as pro-
16 vided in clause (ii), the first, second, and
17 third segment rates in effect for any
18 month for purposes of this section shall be
19 8 percent.

20 “(ii) NEW BENEFIT ACCRUALS.—Not-
21 withstanding subsection (h)(2), for pur-
22 poses of determining the funding target
23 and normal cost of a plan for any plan
24 year, the present value of any benefits ac-
25 crued or earned under the plan for a plan

1 year with respect to which an election
2 under paragraph (1) is in effect shall be
3 determined on the basis of the United
4 States Treasury obligation yield curve for
5 the day that is the valuation date of such
6 plan for such plan year.

7 “(iii) UNITED STATES TREASURY OB-
8 LIGATION YIELD CURVE.—For purposes of
9 this subsection, the term ‘United States
10 Treasury obligation yield curve’ means,
11 with respect to any day, a yield curve
12 which shall be prescribed by the Secretary
13 for such day on interest-bearing obligations
14 of the United States.

15 “(B) SHORTFALL AMORTIZATION BASE.—

16 “(i) PREVIOUS SHORTFALL AMORTIZA-
17 TION BASES.—The shortfall amortization
18 bases determined under subsection (c)(3)
19 for all plan years preceding the first plan
20 year to which the election under paragraph
21 (1) applies (and all shortfall amortization
22 installments determined with respect to
23 such bases) shall be reduced to zero under
24 rules similar to the rules of subsection
25 (c)(6).

1 “(ii) NEW SHORTFALL AMORTIZATION
2 BASE.—Notwithstanding subsection (c)(3),
3 the shortfall amortization base for the first
4 plan year to which the election under para-
5 graph (1) applies shall be the funding
6 shortfall of such plan for such plan year
7 (determined using the interest rates as
8 modified under subparagraph (A)).

9 “(C) DETERMINATION OF SHORTFALL AM-
10 ORTIZATION INSTALLMENTS.—

11 “(i) 30-YEAR PERIOD.—Subpara-
12 graphs (A) and (B) of subsection (c)(2)
13 shall be applied by substituting ‘30-plan-
14 year’ for ‘7-plan-year’ each place it ap-
15 pears.

16 “(ii) NO SPECIAL ELECTION.—The
17 election under subparagraph (D) of sub-
18 section (c)(2) shall not apply to any plan
19 year to which the election under paragraph
20 (1) applies.

21 “(D) EXEMPTION FROM AT-RISK TREAT-
22 MENT.—Subsection (i) shall not apply.

23 “(5) COMMUNITY NEWSPAPER PLAN.—For pur-
24 poses of this subsection—

1 “(A) IN GENERAL.—The term ‘community
2 newspaper plan’ means any plan to which this
3 section applies maintained as of December 31,
4 2018, by an employer which—

5 “(i) maintains the plan on behalf of
6 participants and beneficiaries with respect
7 to employment in the trade or business of
8 publishing 1 or more newspapers which
9 were published by the employer at any
10 time during the 11-year period ending on
11 the date of the enactment of this sub-
12 section,

13 “(ii)(I) is not a company the stock of
14 which is publicly traded (on a stock ex-
15 change or in an over-the-counter market),
16 and is not controlled, directly or indirectly,
17 by such a company, or

18 “(II) is controlled, directly or indi-
19 rectly, during the entire 30-year period
20 ending on the date of the enactment of this
21 subsection by individuals who are members
22 of the same family, and does not publish or
23 distribute a daily newspaper that is car-
24 rier-distributed in printed form in more
25 than 5 States, and

1 “(iii) is controlled, directly or indi-
2 rectly—

3 “(I) by 1 or more persons resid-
4 ing primarily in a State in which the
5 community newspaper has been pub-
6 lished on newsprint or carrier-distrib-
7 uted,

8 “(II) during the entire 30-year
9 period ending on the date of the en-
10 actment of this subsection by individ-
11 uals who are members of the same
12 family,

13 “(III) by 1 or more trusts, the
14 sole trustees of which are persons de-
15 scribed in subclause (I) or (II), or

16 “(IV) by a combination of per-
17 sons described in subclause (I), (II),
18 or (III).

19 “(B) NEWSPAPER.—The term ‘newspaper’
20 does not include any newspaper (determined
21 without regard to this subparagraph) to which
22 any of the following apply:

23 “(i) Is not in general circulation.

1 “(ii) Is published (on newsprint or
2 electronically) less frequently than 3 times
3 per week.

4 “(iii) Has not ever been regularly
5 published on newsprint.

6 “(iv) Does not have a bona fide list of
7 paid subscribers.

8 “(C) CONTROL.—A person shall be treated
9 as controlled by another person if such other
10 person possesses, directly or indirectly, the
11 power to direct or cause the direction and man-
12 agement of such person (including the power to
13 elect a majority of the members of the board of
14 directors of such person) through the ownership
15 of voting securities.

16 “(6) CONTROLLED GROUP.—For purposes of
17 this subsection, the term ‘controlled group’ means all
18 persons treated as a single employer under sub-
19 section (b), (c), (m), or (o) of section 414 as of the
20 date of the enactment of this subsection.”.

21 (b) AMENDMENT TO EMPLOYEE RETIREMENT IN-
22 COME SECURITY ACT OF 1974.—Subsection (m) of section
23 303 of the Employee Retirement Income Security Act of
24 1974 (29 U.S.C. 1083(m)), as added by the Setting Every

1 Community Up for Retirement Enhancement Act of 2019,
2 is amended to read as follows:

3 “(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER
4 PLANS.—

5 “(1) IN GENERAL.—An eligible newspaper plan
6 sponsor of a plan under which no participant has
7 had the participant’s accrued benefit increased
8 (whether because of service or compensation) after
9 April 2, 2019, may elect to have the alternative
10 standards described in paragraph (4) apply to such
11 plan.

12 “(2) ELIGIBLE NEWSPAPER PLAN SPONSOR.—
13 The term ‘eligible newspaper plan sponsor’ means
14 the plan sponsor of—

15 “(A) any community newspaper plan, or

16 “(B) any other plan sponsored, as of April
17 2, 2019, by a member of the same controlled
18 group of a plan sponsor of a community news-
19 paper plan if such member is in the trade or
20 business of publishing 1 or more newspapers.

21 “(3) ELECTION.—An election under paragraph
22 (1) shall be made at such time and in such manner
23 as prescribed by the Secretary of the Treasury. Such
24 election, once made with respect to a plan year, shall

1 apply to all subsequent plan years unless revoked
2 with the consent of the Secretary of the Treasury.

3 “(4) ALTERNATIVE MINIMUM FUNDING STAND-
4 ARDS.—The alternative standards described in this
5 paragraph are the following:

6 “(A) INTEREST RATES.—

7 “(i) IN GENERAL.—Notwithstanding
8 subsection (h)(2)(C) and except as pro-
9 vided in clause (ii), the first, second, and
10 third segment rates in effect for any
11 month for purposes of this section shall be
12 8 percent.

13 “(ii) NEW BENEFIT ACCRUALS.—Not-
14 withstanding subsection (h)(2), for pur-
15 poses of determining the funding target
16 and normal cost of a plan for any plan
17 year, the present value of any benefits ac-
18 crued or earned under the plan for a plan
19 year with respect to which an election
20 under paragraph (1) is in effect shall be
21 determined on the basis of the United
22 States Treasury obligation yield curve for
23 the day that is the valuation date of such
24 plan for such plan year.

1 “(iii) UNITED STATES TREASURY OB-
2 LIGATION YIELD CURVE.—For purposes of
3 this subsection, the term ‘United States
4 Treasury obligation yield curve’ means,
5 with respect to any day, a yield curve
6 which shall be prescribed by the Secretary
7 of the Treasury for such day on interest-
8 bearing obligations of the United States.

9 “(B) SHORTFALL AMORTIZATION BASE.—

10 “(i) PREVIOUS SHORTFALL AMORTIZA-
11 TION BASES.—The shortfall amortization
12 bases determined under subsection (c)(3)
13 for all plan years preceding the first plan
14 year to which the election under paragraph
15 (1) applies (and all shortfall amortization
16 installments determined with respect to
17 such bases) shall be reduced to zero under
18 rules similar to the rules of subsection
19 (c)(6).

20 “(ii) NEW SHORTFALL AMORTIZATION
21 BASE.—Notwithstanding subsection (c)(3),
22 the shortfall amortization base for the first
23 plan year to which the election under para-
24 graph (1) applies shall be the funding
25 shortfall of such plan for such plan year

1 (determined using the interest rates as
2 modified under subparagraph (A)).

3 “(C) DETERMINATION OF SHORTFALL AM-
4 ORTIZATION INSTALLMENTS.—

5 “(i) 30-YEAR PERIOD.—Subpara-
6 graphs (A) and (B) of subsection (c)(2)
7 shall be applied by substituting ‘30-plan-
8 year’ for ‘7-plan-year’ each place it ap-
9 pears.

10 “(ii) NO SPECIAL ELECTION.—The
11 election under subparagraph (D) of sub-
12 section (c)(2) shall not apply to any plan
13 year to which the election under paragraph
14 (1) applies.

15 “(D) EXEMPTION FROM AT-RISK TREAT-
16 MENT.—Subsection (i) shall not apply.

17 “(5) COMMUNITY NEWSPAPER PLAN.—For pur-
18 poses of this subsection—

19 “(A) IN GENERAL.—The term ‘community
20 newspaper plan’ means a plan to which this sec-
21 tion applies maintained as of December 31,
22 2018, by an employer which—

23 “(i) maintains the plan on behalf of
24 participants and beneficiaries with respect
25 to employment in the trade or business of

1 publishing 1 or more newspapers which
2 were published by the employer at any
3 time during the 11-year period ending on
4 the date of the enactment of this sub-
5 section,

6 “(ii)(I) is not a company the stock of
7 which is publicly traded (on a stock ex-
8 change or in an over-the-counter market),
9 and is not controlled, directly or indirectly,
10 by such a company, or

11 “(II) is controlled, directly, or indi-
12 rectly, during the entire 30-year period
13 ending on the date of the enactment of this
14 subsection by individuals who are members
15 of the same family, and does not publish or
16 distribute a daily newspaper that is car-
17 rier-distributed in printed form in more
18 than 5 States, and

19 “(iii) is controlled, directly, or indi-
20 rectly—

21 “(I) by 1 or more persons resid-
22 ing primarily in a State in which the
23 community newspaper has been pub-
24 lished on newsprint or carrier-distrib-
25 uted,

1 “(II) during the entire 30-year
2 period ending on the date of the en-
3 actment of this subsection by individ-
4 uals who are members of the same
5 family,

6 “(III) by 1 or more trusts, the
7 sole trustees of which are persons de-
8 scribed in subclause (I) or (II), or

9 “(IV) by a combination of per-
10 sons described in subclause (I), (II),
11 or (III).

12 “(B) NEWSPAPER.—The term ‘newspaper’
13 does not include any newspaper (determined
14 without regard to this subparagraph) to which
15 any of the following apply:

16 “(i) Is not in general circulation.

17 “(ii) Is published (on newsprint or
18 electronically) less frequently than 3 times
19 per week.

20 “(iii) Has not ever been regularly
21 published on newsprint.

22 “(iv) Does not have a bona fide list of
23 paid subscribers.

24 “(C) CONTROL.—A person shall be treated
25 as controlled by another person if such other

1 person possesses, directly or indirectly, the
2 power to direct or cause the direction and man-
3 agement of such person (including the power to
4 elect a majority of the members of the board of
5 directors of such person) through the ownership
6 of voting securities.

7 “(6) CONTROLLED GROUP.—For purposes of
8 this subsection, the term ‘controlled group’ means all
9 persons treated as a single employer under sub-
10 section (b), (c), (m), or (o) of section 414 of the In-
11 ternal Revenue Code of 1986 as of the date of the
12 enactment of this subsection.

13 “(7) EFFECT ON PREMIUM RATE CALCULA-
14 TION.—Notwithstanding any other provision of law
15 or any regulation issued by the Pension Benefit
16 Guaranty Corporation, in the case of a plan for
17 which an election is made to apply the alternative
18 standards described in paragraph (3), the additional
19 premium under section 4006(a)(3)(E) shall be deter-
20 mined as if such election had not been made.”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to plan years ending after Decem-
23 ber 31, 2017.

1 **SEC. 405. APPLICATION OF COOPERATIVE AND SMALL EM-**
2 **PLOYER CHARITY PENSION PLAN RULES TO**
3 **CERTAIN CHARITABLE EMPLOYERS WHOSE**
4 **PRIMARY EXEMPT PURPOSE IS PROVIDING**
5 **SERVICES WITH RESPECT TO MOTHERS AND**
6 **CHILDREN.**

7 (a) EMPLOYEE RETIREMENT INCOME SECURITY ACT
8 OF 1974.—Section 210(f)(1) of the Employee Retirement
9 Income Security Act of 1974 (29 U.S.C. 1060(f)(1)) is
10 amended—

11 (1) by striking “or” at the end of subparagraph
12 (B);

13 (2) by striking the period at the end of sub-
14 paragraph (C)(iv) and inserting “; or”; and

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

17 “(D) that, as of January 1, 2000, was
18 maintained by an employer—

19 “(i) described in section 501(e)(3) of
20 the Internal Revenue Code of 1986,

21 “(ii) who has been in existence since
22 at least 1938,

23 “(iii) who conducts medical research
24 directly or indirectly through grant mak-
25 ing, and

1 “(iv) whose primary exempt purpose
2 is to provide services with respect to moth-
3 ers and children.”.

4 (b) INTERNAL REVENUE CODE OF 1986.—Section
5 414(y)(1) of the Internal Revenue Code of 1986 is amend-
6 ed—

7 (1) by striking “or” at the end of subparagraph
8 (B);

9 (2) by striking the period at the end of sub-
10 paragraph (C)(iv) and inserting “; or”; and

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

13 “(D) that, as of January 1, 2000, was
14 maintained by an employer—

15 “(i) described in section 501(c)(3),

16 “(ii) who has been in existence since
17 at least 1938,

18 “(iii) who conducts medical research
19 directly or indirectly through grant mak-
20 ing, and

21 “(iv) whose primary exempt purpose
22 is to provide services with respect to moth-
23 ers and children.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to plan years beginning after De-
3 cember 31, 2018.

4 **SEC. 406. EXTENDED AMORTIZATION FOR SINGLE EM-**
5 **PLOYER PLANS.**

6 (a) 15-YEAR AMORTIZATION UNDER THE INTERNAL
7 REVENUE CODE OF 1986.—Section 430(c) of the Internal
8 Revenue Code of 1986 is amended by adding at the end
9 the following new paragraph:

10 “(8) 15-YEAR AMORTIZATION.—With respect to
11 plan years beginning after December 31, 2019—

12 “(A) the shortfall amortization bases for
13 all plan years preceding the first plan year be-
14 ginning after December 31, 2019 (and all
15 shortfall amortization installments determined
16 with respect to such bases) shall be reduced to
17 zero, and

18 “(B) subparagraphs (A) and (B) of para-
19 graph (2) shall each be applied by substituting
20 ‘15-plan-year period’ for ‘7-plan-year period’.”.

21 (b) 15-YEAR AMORTIZATION UNDER THE EMPLOYEE
22 RETIREMENT INCOME SECURITY ACT OF 1974.—Section
23 303(c) of the Employee Retirement Income Security Act
24 of 1974 (29 U.S.C. 1083(c)) is amended by adding at the
25 end the following new paragraph:

1 “(8) 15-YEAR AMORTIZATION.—With respect to
2 plan years beginning after December 31, 2019—

3 “(A) the shortfall amortization bases for
4 all plan years preceding the first plan year be-
5 ginning after December 31, 2019 (and all
6 shortfall amortization installments determined
7 with respect to such bases) shall be reduced to
8 zero, and

9 “(B) subparagraphs (A) and (B) of para-
10 graph (2) shall each be applied by substituting
11 ‘15-plan-year period’ for ‘7-plan-year period’.”.

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to plan years beginning after De-
14 cember 31, 2019.

15 **SEC. 407. EXTENSION OF PENSION FUNDING STABILIZA-**
16 **TION PERCENTAGES FOR SINGLE EMPLOYER**
17 **PLANS.**

18 (a) AMENDMENTS TO INTERNAL REVENUE CODE OF
19 1986.—

20 (1) IN GENERAL.—The table contained in sub-
21 clause (II) of section 430(h)(2)(C)(iv) of the Inter-
22 nal Revenue Code of 1986 is amended to read as fol-
23 lows:

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
Any year in the period starting in 2012 and ending in 2019	90%	110%
Any year in the period starting in 2020 and ending in 2025	95%	105%
2026	90%	110%
2027	85%	115%
2028	80%	120%
2029	75%	125%
After 2029	70%	130%.”.

1 (2) FLOOR ON 25-YEAR AVERAGES.—Subclause
 2 (I) of section 430(h)(2)(C)(iv) of such Code is
 3 amended by adding at the end the following: “Not-
 4 withstanding anything in this subclause, if the aver-
 5 age of the first, second, or third segment rate for
 6 any 25-year period is less than 5 percent, such aver-
 7 age shall be deemed to be 5 percent.”.

8 (b) AMENDMENTS TO EMPLOYEE RETIREMENT IN-
 9 COME SECURITY ACT OF 1974.—

10 (1) IN GENERAL.—The table contained in sub-
 11 clause (II) of section 303(h)(2)(C)(iv) of the Em-
 12 ployee Retirement Income Security Act of 1974 (29
 13 U.S.C. 1083(h)(2)(C)(iv)(II)) is amended to read as
 14 follows:

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
Any year in the period starting in 2012 and ending in 2019	90%	110%
Any year in the period starting in 2020 and ending in 2025	95%	105%

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
2026	90%	110%
2027	85%	115%
2028	80%	120%
2029	75%	125%
After 2029	70%	130%.”.

1 (2) CONFORMING AMENDMENTS.—

2 (A) IN GENERAL.—Section 101(f)(2)(D) of
3 such Act (29 U.S.C. 1021(f)(2)(D)) is amend-
4 ed—

5 (i) in clause (i) by striking “and the
6 Bipartisan Budget Act of 2015” both
7 places it appears and inserting “, the Bi-
8 partisan Budget Act of 2015, and the
9 Emergency Pension Plan Relief Act of
10 2020”, and

11 (ii) in clause (ii) by striking “2023”
12 and inserting “2029”.

13 (B) STATEMENTS.—The Secretary of
14 Labor shall modify the statements required
15 under subclauses (I) and (II) of section
16 101(f)(2)(D)(i) of such Act to conform to the
17 amendments made by this section.

18 (3) FLOOR ON 25-YEAR AVERAGES.—Subclause
19 (I) of section 303(h)(2)(C)(iv) of such Act (29
20 U.S.C. 1083(h)(2)(C)(iv)(II)) is amended by adding

1 at the end the following: “Notwithstanding anything
2 in this subclause, if the average of the first, second,
3 or third segment rate for any 25-year period is less
4 than 5 percent, such average shall be deemed to be
5 5 percent.”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall apply with respect to plan years begin-
8 ning after December 31, 2019.

9 **TITLE V—REHABILITATION FOR** 10 **MULTIEMPLOYER PENSIONS**

11 **SEC. 501. SHORT TITLE.**

12 This title may be cited as the “Rehabilitation for
13 Multiemployer Pensions Act of 2020”.

14 **SEC. 502. PENSION REHABILITATION ADMINISTRATION; ES-** 15 **TABLISHMENT; POWERS.**

16 (a) ESTABLISHMENT.—There is established in the
17 Department of the Treasury an agency to be known as
18 the “Pension Rehabilitation Administration”.

19 (b) DIRECTOR.—

20 (1) ESTABLISHMENT OF POSITION.—There
21 shall be at the head of the Pension Rehabilitation
22 Administration a Director, who shall be appointed
23 by the President.

24 (2) TERM.—

1 (A) IN GENERAL.—The term of office of
2 the Director shall be 5 years.

3 (B) SERVICE UNTIL APPOINTMENT OF
4 SUCCESSOR.—An individual serving as Director
5 at the expiration of a term may continue to
6 serve until a successor is appointed.

7 (3) POWERS.—

8 (A) APPOINTMENT OF DEPUTY DIREC-
9 TORS, OFFICERS, AND EMPLOYEES.—The Di-
10 rector may appoint Deputy Directors, officers,
11 and employees, including attorneys, in accord-
12 ance with chapter 51 and subchapter III of
13 chapter 53 of title 5, United States Code.

14 (B) CONTRACTING.—

15 (i) IN GENERAL.—The Director may
16 contract for financial and administrative
17 services (including those related to budget
18 and accounting, financial reporting, per-
19 sonnel, and procurement) with the General
20 Services Administration, or such other
21 Federal agency as the Director determines
22 appropriate, for which payment shall be
23 made in advance, or by reimbursement,
24 from funds of the Pension Rehabilitation
25 Administration in such amounts as may be

1 agreed upon by the Director and the head
2 of the Federal agency providing the serv-
3 ices.

4 (ii) SUBJECT TO APPROPRIATIONS.—
5 Contract authority under clause (i) shall be
6 effective for any fiscal year only to the ex-
7 tent that appropriations are available for
8 that purpose.

9 **SEC. 503. PENSION REHABILITATION TRUST FUND.**

10 (a) IN GENERAL.—Subchapter A of chapter 98 of the
11 Internal Revenue Code of 1986 is amended by adding at
12 the end the following new section:

13 **“SEC. 9512. PENSION REHABILITATION TRUST FUND.**

14 “(a) CREATION OF TRUST FUND.—There is estab-
15 lished in the Treasury of the United States a trust fund
16 to be known as the ‘Pension Rehabilitation Trust Fund’
17 (hereafter in this section referred to as the ‘Fund’), con-
18 sisting of such amounts as may be appropriated or cred-
19 ited to the Fund as provided in this section and section
20 9602(b).

21 “(b) TRANSFERS TO FUND.—

22 “(1) AMOUNTS ATTRIBUTABLE TO TREASURY
23 BONDS.—There shall be credited to the Fund the
24 amounts transferred under section 506 of the Reha-
25 bilitation for Multiemployer Pensions Act of 2020.

1 “(2) LOAN INTEREST AND PRINCIPAL.—

2 “(A) IN GENERAL.—The Director of the
3 Pension Rehabilitation Administration estab-
4 lished under section 502 of the Rehabilitation
5 for Multiemployer Pensions Act of 2020 shall
6 deposit in the Fund any amounts received from
7 a plan as payment of interest or principal on a
8 loan under section 4 of such Act.

9 “(B) INTEREST.—For purposes of sub-
10 paragraph (A), the term ‘interest’ includes
11 points and other similar amounts.

12 “(3) AVAILABILITY OF FUNDS.—Amounts cred-
13 ited to or deposited in the Fund shall remain avail-
14 able until expended.

15 “(c) EXPENDITURES FROM FUND.—Amounts in the
16 Fund are available without further appropriation to the
17 Pension Rehabilitation Administration—

18 “(1) for the purpose of making the loans de-
19 scribed in section 504 of the Rehabilitation for Mul-
20 tiemployer Pensions Act of 2020,

21 “(2) for the payment of principal and interest
22 on obligations issued under section 6 of such Act,
23 and

24 “(3) for administrative and operating expenses
25 of such Administration.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for subchapter A of chapter 98 of the Internal Revenue
3 Code of 1986 is amended by adding at the end the fol-
4 lowing new item:

“Sec. 9512. Pension Rehabilitation Trust Fund.”.

5 **SEC. 504. LOAN PROGRAM FOR MULTIEMPLOYER DEFINED**
6 **BENEFIT PLANS.**

7 (a) LOAN AUTHORITY.—

8 (1) IN GENERAL.—The Pension Rehabilitation
9 Administration established under section 2 is au-
10 thorized—

11 (A) to make loans to multiemployer plans
12 (as defined in section 414(f) of the Internal
13 Revenue Code of 1986) which are defined ben-
14 efit plans (as defined in section 414(j) of such
15 Code) and—

16 (i)(I) which are in critical and declin-
17 ing status (within the meaning of section
18 432(b)(6) of such Code and section
19 305(b)(6) of the Employee Retirement and
20 Income Security Act) as of the date of the
21 enactment of this section, or during the 2-
22 year period beginning on such date, or

23 (II) with respect to which a suspen-
24 sion of benefits has been approved under
25 section 432(e)(9) of such Code and section

1 305(e)(9) of such Act as of such date or
2 during such period;

3 (ii) which as of such date of enact-
4 ment, or during such period, are in critical
5 status (within the meaning of section
6 432(b)(2) of such Code and section
7 305(b)(2) of such Act), have a modified
8 funded percentage of less than 40 percent,
9 and have a ratio of active to inactive par-
10 ticipants which is less than 2 to 5; or

11 (iii) which are insolvent for purposes
12 of section 418E of such Code as of such
13 date of enactment, or during such period,
14 if they became insolvent after December
15 16, 2014, and have not been terminated;
16 and

17 (B) subject to subsection (b), to establish
18 appropriate terms for such loans.

19 For purposes of subparagraph (A)(ii), the term
20 “modified funded percentage” means the percentage
21 equal to a fraction the numerator of which is current
22 value of plan assets (as defined in section 3(26) of
23 such Act) and the denominator of which is current
24 liabilities (as defined in section 431(c)(6)(D) of such
25 Code and section 304(c)(6)(D) of such Act).

1 (2) CONSULTATION.—The Director of the Pen-
2 sion Rehabilitation Administration shall consult with
3 the Secretary of the Treasury, the Secretary of
4 Labor, and the Director of the Pension Benefit
5 Guaranty Corporation before making any loan under
6 paragraph (1), and shall share with such persons the
7 application and plan information with respect to
8 each such loan.

9 (3) ESTABLISHMENT OF LOAN PROGRAM.—

10 (A) IN GENERAL.—A program to make the
11 loans authorized under this section shall be es-
12 tablished not later than May 31, 2020, with
13 guidance regarding such program to be promul-
14 gated by the Director of the Pension Rehabilita-
15 tion Administration, in consultation with the
16 Director of the Pension Benefit Guaranty Cor-
17 poration, the Secretary of the Treasury, and
18 the Secretary of Labor, not later than August
19 31, 2020.

20 (B) LOANS AUTHORIZED BEFORE PRO-
21 GRAM DATE.—Without regard to whether the
22 program under subparagraph (A) has been es-
23 tablished, a plan may apply for a loan under
24 this section before either date described in such
25 subparagraph, and the Pension Rehabilitation

1 Administration shall approve the application
2 and make the loan before establishment of the
3 program if necessary to avoid any suspension of
4 the accrued benefits of participants.

5 (b) LOAN TERMS.—

6 (1) IN GENERAL.—The terms of any loan made
7 under subsection (a) shall state that—

8 (A) the plan shall make payments of inter-
9 est on the loan for a period of 29 years begin-
10 ning on the date of the loan (or 19 years in the
11 case of a plan making the election under sub-
12 section (c)(5));

13 (B) final payment of interest and principal
14 shall be due in the 30th year after the date of
15 the loan (except as provided in an election
16 under subsection (c)(5)); and

17 (C) as a condition of the loan, the plan
18 sponsor stipulates that—

19 (i) except as provided in clause (ii),
20 the plan will not increase benefits, allow
21 any employer participating in the plan to
22 reduce its contributions, or accept any col-
23 lective bargaining agreement which pro-
24 vides for reduced contribution rates, dur-

1 ing the 30-year period described in sub-
2 paragraphs (A) and (B);

3 (ii) in the case of a plan with respect
4 to which a suspension of benefits has been
5 approved under section 432(e)(9) of the
6 Internal Revenue Code of 1986 and section
7 305(e)(9) of the Employee Retirement In-
8 come Security Act of 1974, or under sec-
9 tion 418E of such Code, before the loan,
10 the plan will reinstate the suspended bene-
11 fits (or will not carry out any suspension
12 which has been approved but not yet im-
13 plemented);

14 (iii) the plan sponsor will comply with
15 the requirements of section 6059A of the
16 Internal Revenue Code of 1986;

17 (iv) the plan will continue to pay all
18 premiums due under section 4007 of the
19 Employee Retirement Income Security Act
20 of 1974; and

21 (v) the plan and plan administrator
22 will meet such other requirements as the
23 Director of the Pension Rehabilitation Ad-
24 ministration provides in the loan terms.

1 The terms of the loan shall not make reference
2 to whether the plan is receiving financial assist-
3 ance under section 4261(d) of the Employee
4 Retirement Income Security Act of 1974 (29
5 U.S.C. 1431(d)) or to any adjustment of the
6 loan amount under subsection (d)(2)(A)(ii).

7 (2) INTEREST RATE.—Except as provided in
8 the second sentence of this paragraph and sub-
9 section (c)(5), loans made under subsection (a) shall
10 have as low an interest rate as is feasible. Such rate
11 shall be determined by the Pension Rehabilitation
12 Administration and shall—

13 (A) not be lower than the rate of interest
14 on 30-year Treasury securities on the first day
15 of the calendar year in which the loan is issued;
16 and

17 (B) not exceed the greater of—

18 (i) a rate 0.2 percentage points higher
19 than such rate of interest on such date; or

20 (ii) the rate necessary to collect reve-
21 nues sufficient to administer the program
22 under this section.

23 (c) LOAN APPLICATION.—

24 (1) IN GENERAL.—In applying for a loan under
25 subsection (a), the plan sponsor shall—

1 (A) demonstrate that, except as provided
2 in subparagraph (C)—

3 (i) the loan will enable the plan to
4 avoid insolvency for at least the 30-year
5 period described in subparagraphs (A) and
6 (B) of subsection (b)(1) or, in the case of
7 a plan which is already insolvent, to
8 emerge from insolvency within and avoid
9 insolvency for the remainder of such pe-
10 riod; and

11 (ii) the plan is reasonably expected to
12 be able to pay benefits and the interest on
13 the loan during such period and to accu-
14 mulate sufficient funds to repay the prin-
15 cipal when due;

16 (B) provide the plan's most recently filed
17 Form 5500 as of the date of application and
18 any other information necessary to determine
19 the loan amount under subsection (d);

20 (C) stipulate whether the plan is also ap-
21 plying for financial assistance under section
22 4261(d) of the Employee Retirement Income
23 Security Act of 1974 (29 U.S.C. 1431(d)) in
24 combination with the loan to enable the plan to
25 avoid insolvency and to pay benefits, or is al-

1 ready receiving such financial assistance as a
2 result of a previous application;

3 (D) state in what manner the loan pro-
4 ceeds will be invested pursuant to subsection
5 (d), the person from whom any annuity con-
6 tracts under such subsection will be purchased,
7 and the person who will be the investment man-
8 ager for any portfolio implemented under such
9 subsection; and

10 (E) include such other information and
11 certifications as the Director of the Pension Re-
12 habilitation Administration shall require.

13 (2) STANDARD FOR ACCEPTING ACTUARIAL AND
14 PLAN SPONSOR DETERMINATIONS AND DEMONSTRA-
15 TIONS IN THE APPLICATION.—In evaluating the plan
16 sponsor’s application, the Director of the Pension
17 Rehabilitation Administration shall accept the deter-
18 minations and demonstrations in the application un-
19 less the Director, in consultation with the Director
20 of the Pension Benefit Guaranty Corporation, the
21 Secretary of the Treasury, and the Secretary of
22 Labor, concludes that any such determinations or
23 demonstrations in the application (or any underlying
24 assumptions) are clearly erroneous or are incon-

1 sistent with any rules issued by the Director pursu-
2 ant to subsection (g).

3 (3) REQUIRED ACTIONS; DEEMED APPROVAL.—

4 The Director of the Pension Rehabilitation Adminis-
5 tration shall approve any application under this sub-
6 section within 90 days after the submission of such
7 application unless such application is incomplete or
8 the Director makes a conclusion described in para-
9 graph (2) with respect to the application. An appli-
10 cation shall be deemed approved unless, within such
11 90 days, the Director notifies the plan sponsor of
12 the denial of such application and the reasons for
13 such denial. Any approval or denial of an application
14 by the Director of the Pension Rehabilitation Ad-
15 ministration shall be treated as a final agency action
16 for purposes of section 704 of title 5, United States
17 Code. The Pension Rehabilitation Administration
18 shall make the loan pursuant to any application
19 promptly after the approval of such application.

20 (4) CERTAIN PLANS REQUIRED TO APPLY.—

21 The plan sponsor of any plan with respect to which
22 a suspension of benefits has been approved under
23 section 432(e)(9) of the Internal Revenue Code of
24 1986 and section 305(e)(9) of the Employee Retire-
25 ment Income Security Act of 1974 or under section

1 418E of such Code, before the date of the enactment
2 of this Act shall apply for a loan under this section.
3 The Director of the Pension Rehabilitation Adminis-
4 tration shall provide for such plan sponsors to use
5 the simplified application under subsection
6 (d)(2)(B).

7 (5) INCENTIVE FOR EARLY REPAYMENT.—The
8 plan sponsor may elect at the time of the application
9 to repay the loan principal, along with the remaining
10 interest, at least as rapidly as equal installments
11 over the 10-year period beginning with the 21st year
12 after the date of the loan. In the case of a plan mak-
13 ing this election, the interest on the loan shall be re-
14 duced by 0.5 percentage points.

15 (d) LOAN AMOUNT AND USE.—

16 (1) AMOUNT OF LOAN.—

17 (A) IN GENERAL.—Except as provided in
18 subparagraph (B) and paragraph (2), the
19 amount of any loan under subsection (a) shall
20 be, as demonstrated by the plan sponsor on the
21 application under subsection (c), the amount
22 needed to purchase annuity contracts or to im-
23 plement a portfolio described in paragraph
24 (3)(C) (or a combination of the two) sufficient
25 to provide benefits of participants and bene-

1 ficiaries of the plan in pay status, and termi-
2 nated vested benefits, at the time the loan is
3 made.

4 (B) PLANS WITH SUSPENDED BENE-
5 FITS.—In the case of a plan with respect to
6 which a suspension of benefits has been ap-
7 proved under section 432(e)(9) of the Internal
8 Revenue Code of 1986 and section 305(e)(9) of
9 the Employee Retirement Income Security Act
10 of 1974 (29 U.S.C. 1085(e)(9)) or under sec-
11 tion 418E of such Code—

12 (i) the suspension of benefits shall not
13 be taken into account in applying subpara-
14 graph (A); and

15 (ii) the loan amount shall be the
16 amount sufficient to provide benefits of
17 participants and beneficiaries of the plan
18 in pay status and terminated vested bene-
19 fits at the time the loan is made, deter-
20 mined without regard to the suspension,
21 including retroactive payment of benefits
22 which would otherwise have been payable
23 during the period of the suspension.

24 (2) COORDINATION WITH PBGC FINANCIAL AS-
25 SISTANCE.—

1 (A) IN GENERAL.—In the case of a plan
2 which is also applying for financial assistance
3 under section 4261(d) of the Employee Retirement
4 Income Security Act of 1974 (29 U.S.C.
5 1431(d))—

6 (i) the plan sponsor shall submit the
7 loan application and the application for fi-
8 nancial assistance jointly to the Pension
9 Rehabilitation Administration and the Pen-
10 sion Benefit Guaranty Corporation with
11 the information necessary to determine the
12 eligibility for and amount of the loan under
13 this section and the financial assistance
14 under section 4261(d) of such Act; and

15 (ii) if such financial assistance is
16 granted, the amount of the loan under sub-
17 section (a) shall not exceed an amount
18 equal to the excess of—

19 (I) the amount determined under
20 paragraph (1)(A) or (1)(B)(ii) (which-
21 ever is applicable); over

22 (II) the amount of such financial
23 assistance.

24 (B) PLANS ALREADY RECEIVING PBGC AS-
25 SISTANCE.—The Director of the Pension Reha-

1 bilitation Administration shall provide for a
2 simplified application for the loan under this
3 section which may be used by an insolvent plan
4 which has not been terminated and which is al-
5 ready receiving financial assistance (other than
6 under section 4261(d) of such Act) from the
7 Pension Benefit Guaranty Corporation at the
8 time of the application for the loan under this
9 section.

10 (3) USE OF LOAN FUNDS.—

11 (A) IN GENERAL.—Notwithstanding sec-
12 tion 432(f)(2)(A)(ii) of the Internal Revenue
13 Code of 1986 and section 305(f)(2)(A)(ii) of
14 such Act, the loan received under subsection (a)
15 shall only be used to purchase annuity contracts
16 which meet the requirements of subparagraph
17 (B) or to implement a portfolio described in
18 subparagraph (C) (or a combination of the two)
19 to provide the benefits described in paragraph
20 (1).

21 (B) ANNUITY CONTRACT REQUIRE-
22 MENTS.—The annuity contracts purchased
23 under subparagraph (A) shall be issued by an
24 insurance company which is licensed to do busi-
25 ness under the laws of any State and which is

1 rated A or better by a nationally recognized sta-
2 tistical rating organization, and the purchase of
3 such contracts shall meet all applicable fidu-
4 ciary standards under the Employee Retirement
5 Income Security Act of 1974.

6 (C) PORTFOLIO.—

7 (i) IN GENERAL.—A portfolio de-
8 scribed in this subparagraph is—

9 (I) a cash matching portfolio or
10 duration matching portfolio consisting
11 of investment grade (as rated by a na-
12 tionally recognized statistical rating
13 organization) fixed income invest-
14 ments, including United States dollar-
15 denominated public or private debt
16 obligations issued or guaranteed by
17 the United States or a foreign issuer,
18 which are tradeable in United States
19 currency and are issued at fixed or
20 zero coupon rates; or

21 (II) any other portfolio pre-
22 scribed by the Secretary of the Treas-
23 ury in regulations which has a similar
24 risk profile to the portfolios described
25 in subclause (I) and is equally protec-

1 tive of the interests of participants
2 and beneficiaries.

3 Once implemented, such a portfolio shall
4 be maintained until all liabilities to partici-
5 pants and beneficiaries in pay status, and
6 terminated vested participants, at the time
7 of the loan are satisfied.

8 (ii) FIDUCIARY DUTY.—Any invest-
9 ment manager of a portfolio under this
10 subparagraph shall acknowledge in writing
11 that such person is a fiduciary under the
12 Employee Retirement Income Security Act
13 of 1974 with respect to the plan.

14 (iii) TREATMENT OF PARTICIPANTS
15 AND BENEFICIARIES.—Participants and
16 beneficiaries covered by a portfolio under
17 this subparagraph shall continue to be
18 treated as participants and beneficiaries of
19 the plan, including for purposes of title IV
20 of the Employee Retirement Income Secu-
21 rity Act of 1974.

22 (D) ACCOUNTING.—

23 (i) IN GENERAL.—Annuity contracts
24 purchased and portfolios implemented
25 under this paragraph shall be used solely

1 to provide the benefits described in para-
2 graph (1) until all such benefits have been
3 paid and shall be accounted for separately
4 from the other assets of the plan.

5 (ii) OVERSIGHT OF NON-ANNUITY IN-
6 VESTMENTS.—

7 (I) IN GENERAL.—Any portfolio
8 implemented under this paragraph
9 shall be subject to oversight by the
10 Pension Rehabilitation Administra-
11 tion, including a mandatory triennial
12 review of the adequacy of the portfolio
13 to provide the benefits described in
14 paragraph (1) and approval (to be
15 provided within a reasonable period of
16 time) of any decision by the plan
17 sponsor to change the investment
18 manager of the portfolio.

19 (II) REMEDIAL ACTION.—If the
20 oversight under subclause (I) deter-
21 mines an inadequacy, the plan spon-
22 sor shall take remedial action to en-
23 sure that the inadequacy will be cured
24 within 2 years of such determination.

1 (E) OMBUDSPERSON.—The Participant
2 and Plan Sponsor Advocate established under
3 section 4004 of the Employee Retirement In-
4 come Security Act of 1974 shall act as
5 ombudsperson for participants and beneficiaries
6 on behalf of whom annuity contracts are pur-
7 chased or who are covered by a portfolio under
8 this paragraph.

9 (e) COLLECTION OF REPAYMENT.—Except as pro-
10 vided in subsection (f), the Pension Rehabilitation Admin-
11 istration shall make every effort to collect repayment of
12 loans under this section in accordance with section 3711
13 of title 31, United States Code.

14 (f) LOAN DEFAULT.—If a plan is unable to make any
15 payment on a loan under this section when due, the Pen-
16 sion Rehabilitation Administration shall negotiate with the
17 plan sponsor revised terms for repayment (including in-
18 stallment payments over a reasonable period or forgive-
19 ness of a portion of the loan principal), but only to the
20 extent necessary to avoid insolvency in the subsequent 18
21 months.

22 (g) AUTHORITY TO ISSUE RULES, ETC.—The Direc-
23 tor of the Pension Rehabilitation Administration, in con-
24 sultation with the Director of the Pension Benefit Guar-
25 anty Corporation, the Secretary of the Treasury, and the

1 Secretary of Labor, is authorized to issue rules regarding
2 the form, content, and process of applications for loans
3 under this section, actuarial standards and assumptions
4 to be used in making estimates and projections for pur-
5 poses of such applications, and assumptions regarding in-
6 terest rates, mortality, and distributions with respect to
7 a portfolio described in subsection (d)(3)(C).

8 (h) REPORT TO CONGRESS ON STATUS OF CERTAIN
9 PLANS WITH LOANS.—Not later than 1 year after the
10 first loan is made under this section, and annually there-
11 after, the Director of the Pension Rehabilitation Adminis-
12 tration shall submit to the Committee on Ways and Means
13 and the Committee on Education and Labor of the House
14 of Representatives, and the Committee on Finance and the
15 Committee on Health, Education, Labor and Pensions of
16 the Senate, a report identifying any plan that—

17 (1) has failed to make any scheduled payment
18 on a loan under this section;

19 (2) has negotiated revised terms for repayment
20 of such loan (including any installment payments or
21 forgiveness of a portion of the loan principal); or

22 (3) the Director has determined is no longer
23 reasonably expected to be able to—

24 (A) pay benefits and the interest on the
25 loan; or

1 (B) accumulate sufficient funds to repay
2 the principal when due.

3 Such report shall include the details of any such failure,
4 revised terms, or determination, as the case may be.

5 (i) COORDINATION WITH TAXATION OF UNRELATED
6 BUSINESS INCOME.—Subparagraph (A) of section
7 514(c)(6) of the Internal Revenue Code of 1986 is amend-
8 ed—

9 (1) by striking “or” at the end of clause (i);

10 (2) by striking the period at the end of clause

11 (ii)(II) and inserting “, or”; and

12 (3) by adding at the end the following new
13 clause:

14 “(iii) indebtedness with respect to a
15 multiemployer plan under a loan made by
16 the Pension Rehabilitation Administration
17 pursuant to section 504 of the Rehabilita-
18 tion for Multiemployer Pensions Act of
19 2020.”.

20 **SEC. 505. COORDINATION WITH WITHDRAWAL LIABILITY**
21 **AND FUNDING RULES.**

22 (a) AMENDMENT TO INTERNAL REVENUE CODE OF
23 1986.—Section 432 of the Internal Revenue Code of 1986
24 is amended by adding at the end the following new sub-
25 section:

1 “(k) SPECIAL RULES FOR PLANS RECEIVING PEN-
2 SION REHABILITATION LOANS.—

3 “(1) DETERMINATION OF WITHDRAWAL LIABIL-
4 ITY.—

5 “(A) IN GENERAL.—If any employer par-
6 ticipating in a plan at the time the plan receives
7 a loan under section 504(a) of the Rehabilita-
8 tion for Multiemployer Pensions Act of 2020
9 withdraws from the plan before the end of the
10 30-year period beginning on the date of the
11 loan, the withdrawal liability of such employer
12 shall be determined under the Employee Retirement
13 Income Security Act of 1974—

14 “(i) by applying section 4219(c)(1)(D)
15 of the Employee Retirement Income Security
16 Act of 1974 as if the plan were termi-
17 nating by the withdrawal of every employer
18 from the plan, and

19 “(ii) by determining the value of non-
20 forfeitable benefits under the plan at the
21 time of the deemed termination by using
22 the interest assumptions prescribed for
23 purposes of section 4044 of the Employee
24 Retirement Income Security Act of 1974,
25 as prescribed in the regulations under sec-

1 tion 4281 of the Employee Retirement In-
2 come Security Act of 1974 in the case of
3 such a mass withdrawal.

4 “(B) ANNUITY CONTRACTS AND INVEST-
5 MENT PORTFOLIOS PURCHASED WITH LOAN
6 FUNDS.—Annuity contracts purchased and
7 portfolios implemented under section 504(d)(3)
8 of the Rehabilitation for Multiemployer Pen-
9 sions Act of 2020 shall not be taken into ac-
10 count as plan assets in determining the with-
11 drawal liability of any employer under subpara-
12 graph (A), but the amount equal to the greater
13 of—

14 “(i) the benefits provided under such
15 contracts or portfolios to participants and
16 beneficiaries, or

17 “(ii) the remaining payments due on
18 the loan under section 4(a) of such Act,
19 shall be taken into account as unfunded vested
20 benefits in determining such withdrawal liabil-
21 ity.

22 “(2) COORDINATION WITH FUNDING REQUIRE-
23 MENTS.—In the case of a plan which receives a loan
24 under section 504(a) of the Rehabilitation for Multi-
25 employer Pensions Act of 2020—

1 “(A) annuity contracts purchased and
2 portfolios implemented under section 4(d)(3) of
3 such Act, and the benefits provided to partici-
4 pants and beneficiaries under such contracts or
5 portfolios, shall not be taken into account in de-
6 termining minimum required contributions
7 under section 412,

8 “(B) payments on the interest and prin-
9 cipal under the loan, and any benefits owed in
10 excess of those provided under such contracts
11 or portfolios, shall be taken into account as li-
12 abilities for purposes of such section, and

13 “(C) if such a portfolio is projected due to
14 unfavorable investment or actuarial experience
15 to be unable to fully satisfy the liabilities which
16 it covers, the amount of the liabilities projected
17 to be unsatisfied shall be taken into account as
18 liabilities for purposes of such section.”.

19 (b) AMENDMENT TO EMPLOYEE RETIREMENT IN-
20 COME SECURITY ACT OF 1974.—Section 305 of the Em-
21 ployee Retirement Income Security Act of 1974 (29
22 U.S.C. 1085) is amended by adding at the end the fol-
23 lowing new subsection:

24 “(k) SPECIAL RULES FOR PLANS RECEIVING PEN-
25 SION REHABILITATION LOANS.—

1 “(1) DETERMINATION OF WITHDRAWAL LIABIL-
2 ITY.—

3 “(A) IN GENERAL.—If any employer par-
4 ticipating in a plan at the time the plan receives
5 a loan under section 504(a) of the Rehabilita-
6 tion for Multiemployer Pensions Act of 2020
7 withdraws from the plan before the end of the
8 30-year period beginning on the date of the
9 loan, the withdrawal liability of such employer
10 shall be determined—

11 “(i) by applying section 4219(c)(1)(D)
12 as if the plan were terminating by the
13 withdrawal of every employer from the
14 plan, and

15 “(ii) by determining the value of non-
16 forfeitable benefits under the plan at the
17 time of the deemed termination by using
18 the interest assumptions prescribed for
19 purposes of section 4044, as prescribed in
20 the regulations under section 4281 in the
21 case of such a mass withdrawal.

22 “(B) ANNUITY CONTRACTS AND INVEST-
23 MENT PORTFOLIOS PURCHASED WITH LOAN
24 FUNDS.—Annuity contracts purchased and
25 portfolios implemented under section 504(d)(3)

1 of the Rehabilitation for Multiemployer Pen-
2 sions Act of 2020 shall not be taken into ac-
3 count in determining the withdrawal liability of
4 any employer under subparagraph (A), but the
5 amount equal to the greater of—

6 “(i) the benefits provided under such
7 contracts or portfolios to participants and
8 beneficiaries, or

9 “(ii) the remaining payments due on
10 the loan under section 4(a) of such Act,
11 shall be taken into account as unfunded vested
12 benefits in determining such withdrawal liabil-
13 ity.

14 “(2) COORDINATION WITH FUNDING REQUIRE-
15 MENTS.—In the case of a plan which receives a loan
16 under section 504(a) of the Rehabilitation for Multi-
17 employer Pensions Act of 2020—

18 “(A) annuity contracts purchased and
19 portfolios implemented under section 4(d)(3) of
20 such Act, and the benefits provided to partici-
21 pants and beneficiaries under such contracts or
22 portfolios, shall not be taken into account in de-
23 termining minimum required contributions
24 under section 302,

1 “(B) payments on the interest and prin-
2 cipal under the loan, and any benefits owed in
3 excess of those provided under such contracts
4 or portfolios, shall be taken into account as li-
5 abilities for purposes of such section, and

6 “(C) if such a portfolio is projected due to
7 unfavorable investment or actuarial experience
8 to be unable to fully satisfy the liabilities which
9 it covers, the amount of the liabilities projected
10 to be unsatisfied shall be taken into account as
11 liabilities for purposes of such section.”.

12 **SEC. 506. ISSUANCE OF TREASURY BONDS.**

13 The Secretary of the Treasury shall from time to time
14 transfer from the general fund of the Treasury to the Pen-
15 sion Rehabilitation Trust Fund established under section
16 9512 of the Internal Revenue Code of 1986 such amounts
17 as are necessary to fund the loan program under section
18 504 of this Act, including from proceeds from the Sec-
19 retary’s issuance of obligations under chapter 31 of title
20 31, United States Code.

21 **SEC. 507. REPORTS OF PLANS RECEIVING PENSION REHA-**
22 **BILITATION LOANS.**

23 (a) IN GENERAL.—Subpart E of part III of sub-
24 chapter A of chapter 61 of the Internal Revenue Code of

1 1986 is amended by adding at the end the following new
2 section:

3 **“SEC. 6059A. REPORTS OF PLANS RECEIVING PENSION RE-**
4 **HABILITATION LOANS.**

5 “(a) IN GENERAL.—In the case of a plan receiving
6 a loan under section 504(a) of the Rehabilitation for Mul-
7 tiemployer Pensions Act of 2020, with respect to the first
8 plan year beginning after the date of the loan and each
9 of the 29 succeeding plan years, not later than the 90th
10 day of each such plan year the plan sponsor shall file with
11 the Secretary a report (including appropriate documenta-
12 tion and actuarial certifications from the plan actuary, as
13 required by the Secretary) that contains—

14 “(1) the funded percentage (as defined in sec-
15 tion 432(j)(2)) as of the first day of such plan year,
16 and the underlying actuarial value of assets (deter-
17 mined with regard, and without regard, to annuity
18 contracts purchased and portfolios implemented with
19 proceeds of such loan) and liabilities (including any
20 amounts due with respect to such loan) taken into
21 account in determining such percentage,

22 “(2) the market value of the assets of the plan
23 (determined as provided in paragraph (1)) as of the
24 last day of the plan year preceding such plan year,

1 “(3) the total value of all contributions made by
2 employers and employees during the plan year pre-
3 ceding such plan year,

4 “(4) the total value of all benefits paid during
5 the plan year preceding such plan year,

6 “(5) cash flow projections for such plan year
7 and the 9 succeeding plan years, and the assump-
8 tions used in making such projections,

9 “(6) funding standard account projections for
10 such plan year and the 9 succeeding plan years, and
11 the assumptions relied upon in making such projec-
12 tions,

13 “(7) the total value of all investment gains or
14 losses during the plan year preceding such plan year,

15 “(8) any significant reduction in the number of
16 active participants during the plan year preceding
17 such plan year, and the reason for such reduction,

18 “(9) a list of employers that withdrew from the
19 plan in the plan year preceding such plan year, and
20 the resulting reduction in contributions,

21 “(10) a list of employers that paid withdrawal
22 liability to the plan during the plan year preceding
23 such plan year and, for each employer, a total as-
24 sessment of the withdrawal liability paid, the annual
25 payment amount, and the number of years remain-

1 ing in the payment schedule with respect to such
2 withdrawal liability,

3 “(11) any material changes to benefits, accrual
4 rates, or contribution rates during the plan year pre-
5 ceding such plan year, and whether such changes re-
6 late to the terms of the loan,

7 “(12) details regarding any funding improve-
8 ment plan or rehabilitation plan and updates to such
9 plan,

10 “(13) the number of participants during the
11 plan year preceding such plan year who are active
12 participants, the number of participants and bene-
13 ficiaries in pay status, and the number of terminated
14 vested participants and beneficiaries,

15 “(14) the amount of any financial assistance re-
16 ceived under section 4261 of the Employee Retirement
17 Income Security Act of 1974 to pay benefits
18 during the preceding plan year, and the total
19 amount of such financial assistance received for all
20 preceding years,

21 “(15) the information contained on the most re-
22 cent annual funding notice submitted by the plan
23 under section 101(f) of the Employee Retirement In-
24 come Security Act of 1974,

1 “(16) the information contained on the most re-
2 cent annual return under section 6058 and actuarial
3 report under section 6059 of the plan, and

4 “(17) copies of the plan document and amend-
5 ments, other retirement benefit or ancillary benefit
6 plans relating to the plan and contribution obliga-
7 tions under such plans, a breakdown of administra-
8 tive expenses of the plan, participant census data
9 and distribution of benefits, the most recent actu-
10 arial valuation report as of the plan year, copies of
11 collective bargaining agreements, and financial re-
12 ports, and such other information as the Secretary,
13 in consultation with the Director of the Pension Re-
14 habilitation Administration, may require.

15 “(b) ELECTRONIC SUBMISSION.—The report re-
16 quired under subsection (a) shall be submitted electroni-
17 cally.

18 “(c) INFORMATION SHARING.—The Secretary shall
19 share the information in the report under subsection (a)
20 with the Secretary of Labor and the Director of the Pen-
21 sion Benefit Guaranty Corporation.

22 “(d) REPORT TO PARTICIPANTS, BENEFICIARIES,
23 AND EMPLOYERS.—Each plan sponsor required to file a
24 report under subsection (a) shall, before the expiration of
25 the time prescribed for the filing of such report, also pro-

1 vide a summary (written in a manner so as to be under-
2 stood by the average plan participant) of the information
3 in such report to participants and beneficiaries in the plan
4 and to each employer with an obligation to contribute to
5 the plan.”.

6 (b) PENALTY.—Subsection (e) of section 6652 of the
7 Internal Revenue Code of 1986 is amended—

8 (1) by inserting “, 6059A (relating to reports of
9 plans receiving pension rehabilitation loans)” after
10 “deferred compensation”;

11 (2) by inserting “(\$100 in the case of failures
12 under section 6059A)” after “\$25”; and

13 (3) by adding at the end the following: “In the
14 case of a failure with respect to section 6059A, the
15 amount imposed under this subsection shall not be
16 paid from the assets of the plan.”.

17 (c) CLERICAL AMENDMENT.—The table of sections
18 for subpart E of part III of subchapter A of chapter 61
19 of the Internal Revenue Code of 1986 is amended by add-
20 ing at the end the following new item:

“Sec. 6059A. Reports of plans receiving pension rehabilitation loans.”.

21 **SEC. 508. PBGC FINANCIAL ASSISTANCE.**

22 (a) IN GENERAL.—Section 4261 of the Employee Re-
23 tirement Income Security Act of 1974 (29 U.S.C. 1431)
24 is amended by adding at the end the following new sub-
25 section:

1 “(d)(1) The plan sponsor of a multiemployer plan—

2 “(A) which is in critical and declining status
3 (within the meaning of section 305(b)(6)) as of the
4 date of the enactment of this subsection or during
5 the 2-year period beginning on such date, or with re-
6 spect to which a suspension of benefits has been ap-
7 proved under section 305(e)(9) as of such date;

8 “(B) which, as of such date of enactment or
9 during such period, is in critical status (within the
10 meaning of section 305(b)(2)), has a modified fund-
11 ed percentage of less than 40 percent (as defined in
12 section 504(a)(1) of the Rehabilitation for Multiem-
13 ployer Pensions Act of 2020), and has a ratio of ac-
14 tive to inactive participants which is less than 2 to
15 5; or

16 “(C) which is insolvent for purposes of section
17 418E of the Internal Revenue Code of 1986 as of
18 such date of enactment or during such period, if the
19 plan became insolvent after December 16, 2014, and
20 has not been terminated;

21 and which is applying for a loan under section 504(a) of
22 the Rehabilitation for Multiemployer Pensions Act of 2020
23 may also apply to the corporation for financial assistance
24 under this subsection, by jointly submitting such applica-
25 tions in accordance with section 4(d)(2) of such Act. The

1 application for financial assistance under this subsection
2 shall demonstrate, based on projections by the plan actu-
3 ary, that after the receipt of the anticipated loan amount
4 under section 4(a) of such Act, the plan will still become
5 (or remain) insolvent within the 30-year period beginning
6 on the date of the loan.

7 “(2) In reviewing an application under paragraph
8 (1), the corporation shall review the determinations and
9 demonstrations submitted with the loan application under
10 section 504(c) of the Rehabilitation for Multiemployer
11 Pensions Act of 2020 and provide guidance regarding such
12 determinations and demonstrations prior to approving any
13 application for financial assistance under this subsection.
14 The corporation may deny any application if any such de-
15 terminations or demonstrations (or any underlying as-
16 sumptions) are clearly erroneous, or inconsistent with
17 rules issued by the corporation, and the plan and the cor-
18 poration are unable to reach agreement on such deter-
19 minations or demonstrations. The corporation shall pre-
20 scribe any such rules or guidance not later than August
21 31, 2020.

22 “(3) In the case of a plan described in paragraph
23 (1)(A) or (1)(B), the total financial assistance provided
24 under this subsection shall be an amount equal to the
25 smallest portion of the loan amount with respect to the

1 plan under paragraph (1)(A) or (1)(B)(ii) of section
2 504(d) of the Rehabilitation for Multiemployer Pensions
3 Act of 2020 (determined without regard to paragraph (2)
4 thereof) that, if provided as financial assistance under this
5 subsection instead of a loan, would allow the plan to avoid
6 the projected insolvency.

7 “(4) In the case of a plan described in paragraph
8 (1)(C), the financial assistance provided pursuant to such
9 application under this subsection shall be the present value
10 of the amount (determined by the plan actuary and sub-
11 mitted on the application) that, if such amount were paid
12 by the corporation in combination with the loan and any
13 other assistance being provided to the plan by the corpora-
14 tion at the time of the application, would enable the plan
15 to emerge from insolvency and avoid any other insolvency
16 projected under paragraph (1).

17 “(5)(A)(i) Except as provided in subparagraph (B),
18 if the corporation determines at the time of approval, or
19 at the beginning of any plan year beginning thereafter,
20 that the plan’s 5-year expenditure projection (determined
21 without regard to loan payments described in clause
22 (iii)(III)) exceeds the fair market value of the plan’s as-
23 sets, the corporation shall (subject to the total amount of
24 financial assistance approved under this subsection) pro-
25 vide such assistance in an amount equal to the lesser of—

1 “(I) the amount by which the plan’s 5-year
2 expenditure projection exceeds such fair market
3 value; or

4 “(II) the plan’s expected expenditures for
5 the plan year.

6 “(ii) For purposes of this subparagraph, the term ‘5-
7 year expenditure projection’ means, with respect to any
8 plan for a plan year, an amount equal to 500 percent of
9 the plan’s expected expenditures for the plan year.

10 “(iii) For purposes of this subparagraph, the term
11 ‘expected expenditures’ means, with respect to any plan
12 for a plan year, an amount equal to the sum of—

13 “(I) expected benefit payments for the plan
14 year;

15 “(II) expected administrative expense payments
16 for the plan year; plus

17 “(III) payments on the loan scheduled during
18 the plan year pursuant to the terms of the loan
19 under section 504(b) of the Rehabilitation for Multi-
20 employer Pensions Act of 2020.

21 “(iv) For purposes of this subparagraph, in the case
22 of any plan year during which a plan is approved for a
23 loan under section 4 of such Act, but has not yet received
24 the proceeds, such proceeds shall be included in deter-
25 mining the fair market value of the plan’s assets for the

1 plan year. The preceding sentence shall not apply in the
2 case of any plan that for the plan year beginning in 2015
3 was certified pursuant to section 305(b)(3) as being in
4 critical and declining status, and had more than 300,000
5 participants.

6 “(B) The financial assistance under this subsection
7 shall be provided in a lump sum if the plan sponsor dem-
8 onstrates in the application, and the corporation deter-
9 mines, that such a lump sum payment is necessary for
10 the plan to avoid the insolvency to which the application
11 relates. In the case of a plan described in paragraph
12 (1)(C), such lump sum shall be provided not later than
13 December 31, 2020.

14 “(6) Subsections (b) and (c) shall apply to financial
15 assistance under this subsection as if it were provided
16 under subsection (a), except that the terms for repayment
17 under subsection (b)(2) shall not require the financial as-
18 sistance to be repaid before the date on which the loan
19 under section 504(a) of the Rehabilitation for Multiem-
20 ployer Pensions Act of 2020 is repaid in full.

21 “(7) The corporation may forgo repayment of the fi-
22 nancial assistance provided under this subsection if nec-
23 essary to avoid any suspension of the accrued benefits of
24 participants.”.

1 (b) APPROPRIATIONS.—There is appropriated to the
2 Director of the Pension Benefit Guaranty Corporation
3 such sums as may be necessary for each fiscal year to pro-
4 vide the financial assistance described in section 4261(d)
5 of the Employee Retirement Income Security Act of 1974
6 (29 U.S.C. 1431(d)) (as added by this section) (including
7 necessary administrative and operating expenses relating
8 to such assistance).

9 **DIVISION U—TELECOMMUNI-**
10 **CATIONS PROVISIONS**
11 **TITLE I—COVID-19 PRICE**
12 **GOUGING PREVENTION**

13 **SEC. 101. SHORT TITLE.**

14 This title may be cited as the “COVID-19 Price
15 Gouging Prevention Act”.

16 **SEC. 102. PREVENTION OF PRICE GOUGING.**

17 (a) IN GENERAL.—For the duration of a public
18 health emergency declared pursuant to section 319 of the
19 Public Health Service Act (42 U.S.C. 247d) as a result
20 of confirmed cases of 2019 novel coronavirus (COVID-
21 19), including any renewal thereof, it shall be unlawful
22 for any person to sell or offer for sale a good or service
23 at a price that—

24 (1) is unconscionably excessive; and

1 (2) indicates the seller is using the cir-
2 cumstances related to such public health emergency
3 to increase prices unreasonably.

4 (b) FACTORS FOR CONSIDERATION.—In determining
5 whether a person has violated subsection (a), there shall
6 be taken into account, with respect to the price at which
7 such person sold or offered for sale the good or service,
8 factors that include the following:

9 (1) Whether such price grossly exceeds the av-
10 erage price at which the same or a similar good or
11 service was sold or offered for sale by such person—

12 (A) during the 90-day period immediately
13 preceding January 31, 2020; or

14 (B) during the same 90-day period of the
15 previous year.

16 (2) Whether such price grossly exceeds the av-
17 erage price at which the same or a similar good or
18 service was readily obtainable from other similarly
19 situated competing sellers before January 31, 2020.

20 (3) Whether such price reasonably reflects addi-
21 tional costs, not within the control of such person,
22 that were paid, incurred, or reasonably anticipated
23 by such person, or reasonably reflects the profit-
24 ability of forgone sales or additional risks taken by

1 such person, to produce, distribute, obtain, or sell
2 such good or service under the circumstances.

3 (c) ENFORCEMENT.—

4 (1) ENFORCEMENT BY FEDERAL TRADE COM-
5 MISSION.—

6 (A) UNFAIR OR DECEPTIVE ACTS OR PRAC-
7 TICES.—A violation of subsection (a) shall be
8 treated as a violation of a regulation under sec-
9 tion 18(a)(1)(B) of the Federal Trade Commis-
10 sion Act (15 U.S.C. 57a(a)(1)(B)) regarding
11 unfair or deceptive acts or practices.

12 (B) POWERS OF COMMISSION.—The Com-
13 mission shall enforce subsection (a) in the same
14 manner, by the same means, and with the same
15 jurisdiction, powers, and duties as though all
16 applicable terms and provisions of the Federal
17 Trade Commission Act (15 U.S.C. 41 et seq.)
18 were incorporated into and made a part of this
19 section. Any person who violates such sub-
20 section shall be subject to the penalties and en-
21 titled to the privileges and immunities provided
22 in the Federal Trade Commission Act.

23 (2) EFFECT ON OTHER LAWS.—Nothing in this
24 section shall be construed in any way to limit the

1 authority of the Commission under any other provi-
2 sion of law.

3 (3) ENFORCEMENT BY STATE ATTORNEYS GEN-
4 ERAL.—

5 (A) IN GENERAL.—If the chief law en-
6 forcement officer of a State, or an official or
7 agency designated by a State, has reason to be-
8 lieve that any person has violated or is violating
9 subsection (a), the attorney general, official, or
10 agency of the State, in addition to any author-
11 ity it may have to bring an action in State
12 court under its consumer protection law, may
13 bring a civil action in any appropriate United
14 States district court or in any other court of
15 competent jurisdiction, including a State court,
16 to—

17 (i) enjoin further such violation by
18 such person;

19 (ii) enforce compliance with such sub-
20 section;

21 (iii) obtain civil penalties; and

22 (iv) obtain damages, restitution, or
23 other compensation on behalf of residents
24 of the State.

1 (B) NOTICE AND INTERVENTION BY THE
2 FTC.—The attorney general of a State shall
3 provide prior written notice of any action under
4 subparagraph (A) to the Commission and pro-
5 vide the Commission with a copy of the com-
6 plaint in the action, except in any case in which
7 such prior notice is not feasible, in which case
8 the attorney general shall serve such notice im-
9 mediately upon instituting such action. The
10 Commission shall have the right—

11 (i) to intervene in the action;

12 (ii) upon so intervening, to be heard
13 on all matters arising therein; and

14 (iii) to file petitions for appeal.

15 (C) LIMITATION ON STATE ACTION WHILE
16 FEDERAL ACTION IS PENDING.—If the Commis-
17 sion has instituted a civil action for violation of
18 this section, no State attorney general, or offi-
19 cial or agency of a State, may bring an action
20 under this paragraph during the pendency of
21 that action against any defendant named in the
22 complaint of the Commission for any violation
23 of this section alleged in the complaint.

24 (D) RELATIONSHIP WITH STATE-LAW
25 CLAIMS.—If the attorney general of a State has

1 authority to bring an action under State law di-
2 rected at acts or practices that also violate this
3 section, the attorney general may assert the
4 State-law claim and a claim under this section
5 in the same civil action.

6 (4) SAVINGS CLAUSE.—Nothing in this section
7 shall preempt or otherwise affect any State or local
8 law.

9 (d) DEFINITIONS.—In this section:

10 (1) COMMISSION.—The term “Commission”
11 means the Federal Trade Commission.

12 (2) GOOD OR SERVICE.—The term “good or
13 service” means a good or service offered in com-
14 merce, including—

15 (A) food, beverages, water, ice, a chemical,
16 or a personal hygiene product;

17 (B) any personal protective equipment for
18 protection from or prevention of contagious dis-
19 eases, filtering facepiece respirators, medical
20 supplies (including medical testing supplies),
21 cleaning supplies, disinfectants, sanitizers; or

22 (C) any healthcare service, cleaning serv-
23 ice, or delivery service.

24 (3) STATE.—The term “State” means each of
25 the several States, the District of Columbia, each

1 commonwealth, territory, or possession of the United
2 States, and each federally recognized Indian Tribe.

3 **TITLE II—E-RATE SUPPORT FOR**
4 **WI-FI HOTSPOTS AND CON-**
5 **NECTED DEVICES**

6 **SEC. 201. E-RATE SUPPORT FOR WI-FI HOTSPOTS AND CON-**
7 **NECTED DEVICES DURING EMERGENCY PERI-**
8 **ODS RELATING TO COVID-19.**

9 (a) REGULATIONS REQUIRED.—Not later than 7
10 days after the date of the enactment of this Act, the Com-
11 mission shall promulgate regulations providing for the
12 provision, during an emergency period described in sub-
13 section (b) and from amounts made available from the
14 Emergency Connectivity Fund established under sub-
15 section (i)(1), of universal service support under section
16 254(h)(1)(B) of the Communications Act of 1934 (47
17 U.S.C. 254(h)(1)(B)) to an elementary school, secondary
18 school, or library eligible for support under such section,
19 as well as a tribal elementary school, tribal secondary
20 school, or tribal library designated as eligible to receive
21 support under such regulations by an Indian tribe that
22 is eligible for support under section 261 of the Library
23 Services and Technology Act (20 U.S.C. 9161), for—
24 (1) providing Wi-Fi hotspots to—

1 (A) in the case of a school, students and
2 staff of such school for use at locations that in-
3 clude locations other than such school; and

4 (B) in the case of a library, patrons of
5 such library for use at locations that include lo-
6 cations other than such library;

7 (2) providing connected devices to students and
8 staff or patrons (as the case may be) for use as de-
9 scribed in subparagraph (A) or (B) of paragraph
10 (1); and

11 (3) providing mobile broadband internet access
12 service through such Wi-Fi hotspots or connected
13 devices.

14 (b) EMERGENCY PERIODS DESCRIBED.—An emer-
15 gency period described in this subsection is the duration
16 of a public health emergency declared pursuant to section
17 319 of the Public Health Service Act (42 U.S.C. 247d)
18 as a result of COVID–19, including any renewal thereof.

19 (c) SERVICE REQUIREMENT FOR CONNECTED DE-
20 VICES.—If a school or library provides a connected device
21 to a student, staff member, or patron using universal serv-
22 ice support under the regulations required by subsection
23 (a) and such connected device is only capable of con-
24 necting to broadband internet access service through the
25 use of Wi-Fi, such school or library shall also provide to

1 such student, staff member, or patron a Wi-Fi hotspot and
2 mobile broadband internet access service through such Wi-
3 Fi hotspot.

4 (d) TREATMENT OF WI-FI HOTSPOTS AND CON-
5 NECTED DEVICES AFTER EMERGENCY PERIOD.—The
6 Commission shall provide in the regulations required by
7 subsection (a) that, in the case of a school or library that
8 purchases Wi-Fi hotspots or connected devices using sup-
9 port received under such regulations, such school or li-
10 brary—

11 (1) may, after the emergency period with re-
12 spect to which such support is received, use such
13 Wi-Fi hotspots or connected devices for such pur-
14 poses as such school or library considers appro-
15 priate, subject to any restrictions provided in such
16 regulations (or any successor regulation); and

17 (2) may not sell or otherwise transfer in ex-
18 change for any thing of value such Wi-Fi hotspots
19 or connected devices.

20 (e) PRIORITIZATION OF SUPPORT.—The Commission
21 shall provide in the regulations required by subsection (a)
22 that a school or library shall prioritize the provision of
23 Wi-Fi hotspots or connected devices and associated mobile
24 broadband internet access service for which support is re-
25 ceived under such regulations to students and staff or pa-

1 trons (as the case may be) that the school or library be-
2 lieves do not otherwise have access to broadband internet
3 access service at the residences of such students and staff
4 or patrons.

5 (f) CERTIFICATION REQUIREMENTS.—The Commis-
6 sion shall provide in the regulations required by subsection
7 (a) that—

8 (1) Wi-Fi hotspots and connected devices for
9 which support is received under such regulations
10 shall be treated as computers for purposes of the
11 certification requirements of paragraphs (5) and (6)
12 of section 254(h) of the Communications Act of
13 1934 (47 U.S.C. 254(h)); and

14 (2) notwithstanding the requirements of such
15 paragraphs relating to the timing of certifications,
16 the certifications required by such paragraphs shall
17 be made with respect to such Wi-Fi hotspots and
18 connected devices as a condition of receiving such
19 support.

20 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion shall be construed to affect any authority the Com-
22 mission may have under section 254(h)(1)(B) of the Com-
23 munications Act of 1934 (47 U.S.C. 254(h)(1)(B)) to
24 allow universal service support under such section to be

1 used for the purposes described in subsection (a) other
2 than as required by such subsection.

3 (h) EXEMPTIONS.—

4 (1) NOTICE AND COMMENT RULEMAKING RE-
5 QUIREMENTS.—Section 553 of title 5, United States
6 Code, shall not apply to a regulation promulgated
7 under subsection (a) or a rulemaking to promulgate
8 such a regulation.

9 (2) PAPERWORK REDUCTION ACT REQUIRE-
10 MENTS.—A collection of information conducted or
11 sponsored under the regulations required by sub-
12 section (a), or under section 254 of the Communica-
13 tions Act of 1934 (47 U.S.C. 254) in connection
14 with universal service support provided under such
15 regulations, shall not constitute a collection of infor-
16 mation for the purposes of subchapter I of chapter
17 35 of title 44, United States Code (commonly re-
18 ferred to as the Paperwork Reduction Act).

19 (i) EMERGENCY CONNECTIVITY FUND.—

20 (1) ESTABLISHMENT.—There is established in
21 the Treasury of the United States a fund to be
22 known as the Emergency Connectivity Fund.

23 (2) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated to the Emer-
25 gency Connectivity Fund, out of any money in the

1 Treasury not otherwise appropriated,
2 \$2,000,000,000 for fiscal year 2020, to remain
3 available through fiscal year 2021.

4 (3) USE OF FUNDS.—Amounts in the Emer-
5 gency Connectivity Fund shall be available to the
6 Commission to provide universal service support
7 under the regulations required by subsection (a).

8 (4) RELATIONSHIP TO UNIVERSAL SERVICE
9 CONTRIBUTIONS.—Universal service support pro-
10 vided under the regulations required by subsection
11 (a) shall be provided from amounts made available
12 under paragraph (3) and not from contributions
13 under section 254(d) of the Communications Act of
14 1934 (47 U.S.C. 254(d)).

15 (j) EXCEPTION TO GIFT RESTRICTIONS.—Not later
16 than 7 days after the date of the enactment of this Act,
17 the Commission shall amend section 54.503(d) of title 47,
18 Code of Federal Regulations, so as to provide that such
19 section does not apply in the case of a gift or other thing
20 of value that is solicited, accepted, offered, or provided
21 during an emergency period described in subsection (b)
22 for the purpose of responding to needs arising from the
23 emergency.

24 (k) DEFINITIONS.—In this section:

1 (1) BROADBAND INTERNET ACCESS SERVICE.—

2 The term “broadband internet access service” has
3 the meaning given such term in section 8.1(b) of
4 title 47, Code of Federal Regulations (or any suc-
5 cessor regulation).

6 (2) COMMISSION.—The term “Commission”
7 means the Federal Communications Commission.

8 (3) CONNECTED DEVICE.—The term “con-
9 nected device” means a laptop computer, tablet com-
10 puter, or similar device that is capable of connecting
11 to mobile broadband internet access service, either
12 by receiving such service directly or through the use
13 of Wi-Fi.

14 (4) WI-FI.—The term “Wi-Fi” means a wire-
15 less networking protocol based on Institute of Elec-
16 trical and Electronics Engineers standard 802.11
17 (or any successor standard).

18 (5) WI-FI HOTSPOT.—The term “Wi-Fi
19 hotspot” means a device that is capable of—

20 (A) receiving mobile broadband internet
21 access service; and

22 (B) sharing such service with another de-
23 vice through the use of Wi-Fi.

1 **TITLE III—EMERGENCY LIFE-**
2 **LINE BENEFIT FOR**
3 **BROADBAND SERVICE**

4 **SEC. 301. EMERGENCY LIFELINE BENEFIT FOR**
5 **BROADBAND SERVICE DURING EMERGENCY**
6 **PERIODS RELATING TO COVID-19.**

7 (a) PROMULGATION OF REGULATIONS REQUIRED.—

8 Not later than 7 days after the date of the enactment of
9 this Act, the Commission shall promulgate regulations for
10 the provision of an emergency lifeline broadband benefit
11 described and in accordance with the requirements of this
12 section.

13 (b) REQUIREMENTS.—The regulations promulgated
14 pursuant to subsection (a) shall establish the following:

15 (1) Regardless of whether a household or any
16 consumer in the household receives support under
17 subpart E of part 54 of title 47, Code of Federal
18 Regulations, a household is eligible for the provision
19 of Tier I service or Tier II service, supported by the
20 emergency lifeline broadband benefit, during an
21 emergency period if—

22 (A) the household includes at least one
23 qualifying low-income consumer who meets the
24 qualifications in paragraphs (a) and (b) of sec-

1 tion 54.409 of title 47, Code of Federal Regula-
2 tions, or any successor regulation; or

3 (B) the household receives benefits from
4 the National School Lunch Program's free or
5 reduced cost lunch program.

6 (2) A provider of broadband internet access
7 service shall apply to the Commission for the reim-
8 bursement described in paragraph (6) for each eligi-
9 ble household that requests the emergency lifeline
10 broadband benefit and receives Tier I or Tier II
11 service from the provider.

12 (3) Within five business days of receiving a re-
13 quest from a broadband internet service provider,
14 the Commission shall determine and issue a decision
15 whether it is in the public interest—

16 (A) to allow such provider to provide Tier
17 I or Tier II service supported by the emergency
18 lifeline broadband benefit, and

19 (B) to allow the provider to use its own
20 verification processes to determine whether a
21 household is eligible to receive the emergency
22 lifeline broadband benefit according to the eligi-
23 bility criteria in paragraph (1), if such proc-
24 esses are reasonable and sufficient to avoid
25 waste, fraud, and abuse.

1 (4) The Commission shall adopt reasonable rec-
2 ordkeeping and retention requirements for recipients
3 of reimbursements from the funds made available in
4 subsection (f), which requirements shall be in lieu of
5 any reporting, record keeping, retention and compli-
6 ance requirements as set forth in subpart E of part
7 54 of title 47, Code of Federal Regulations.

8 (5) The emergency period may be extended
9 within a State or any portion thereof if the Governor
10 of the State provides written, public notice to the
11 Commission stipulating that an extension is nec-
12 essary in furtherance of the recovery related to
13 COVID-19. The Commission shall, within 24 hours
14 after receiving such notice, post the notice on the
15 Commission's public website.

16 (6) The Commission shall reimburse providers
17 of broadband internet access service from funds
18 made available in subsection (f) in the following
19 amounts:

20 (A) The broadband internet access service
21 provider shall receive \$50.00 per month, or an
22 amount equal to the monthly charge for service
23 and equipment if such charge is less than
24 \$50.00 per month, for each eligible household

1 that requests the emergency lifeline broadband
2 benefit and receives the Tier I service.

3 (B) The broadband internet access service
4 provider shall receive \$30.00 per month, or an
5 amount equal to the monthly charge for service
6 and equipment if such charge is less than
7 \$30.00 per month, for each eligible household
8 that requests the emergency lifeline broadband
9 benefit and receives Tier II service.

10 (7) To receive a reimbursement under para-
11 graph (6), a broadband internet access service pro-
12 vider shall certify to the Commission—

13 (A) the number of eligible households that
14 requested the emergency lifeline broadband ben-
15 efit and received Tier I service—

16 (i) monthly for the duration of the
17 emergency period; or

18 (ii) for each month of the emergency
19 period, collectively, after the expiration of
20 the emergency period under paragraph (5);

21 (B) the number of eligible households that
22 requested the emergency lifeline broadband ben-
23 efit and received Tier II service—

24 (i) monthly for the duration of the
25 emergency period; or

1 (ii) for each month of the emergency
2 period, collectively, after the expiration of
3 the emergency period under paragraph (5);

4 (C) that the reimbursement sought for pro-
5 viding Tier I service or Tier II service to an eli-
6 gible household did not exceed the provider's
7 rate for that offering, or similar offerings, for
8 households that are not eligible households sub-
9 scribing to the same or substantially similar
10 service;

11 (D) that eligible households for which the
12 provider is seeking reimbursement for providing
13 Tier I or Tier II service using the emergency
14 lifeline broadband benefit—

15 (i) were not charged for the Tier I
16 service or Tier II service; and

17 (ii) were not disqualified from receiv-
18 ing the emergency lifeline broadband serv-
19 ice based on past or present arrearages;
20 and

21 (E) that the eligibility of eligible house-
22 holds is verified in accordance with the require-
23 ments adopted by the Commission pursuant to
24 paragraph (3).

1 (c) ELIGIBLE PROVIDERS.—The Commission may
2 provide a reimbursement to a broadband internet access
3 service provider under this section without requiring such
4 provider to be designated as an eligible telecommuni-
5 cations carrier under section 214(e) of the Communica-
6 tions Act of 1934 (47 U.S.C. 214(e)) and notwithstanding
7 section 254(e) of the Communications Act of 1934 (47
8 U.S.C. 254(e)).

9 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion shall affect the collection, distribution, or administra-
11 tion of the Lifeline Assistance Program governed by the
12 rules set forth in subpart E of part 54 of title 47, Code
13 of Federal Regulations.

14 (e) EXEMPTIONS.—

15 (1) NOTICE AND COMMENT RULEMAKING RE-
16 QUIREMENTS.—Section 553 of title 5, United States
17 Code, shall not apply to a regulation promulgated
18 under subsection (a) or a rulemaking to promulgate
19 such a regulation.

20 (2) PAPERWORK REDUCTION ACT REQUIRE-
21 MENTS.—A collection of information conducted or
22 sponsored under the regulations required by sub-
23 section (a), or under section 254 of the Communica-
24 tions Act of 1934 (47 U.S.C. 254) in connection
25 with universal service support provided under such

1 regulations, shall not constitute a collection of infor-
2 mation for the purposes of subchapter I of chapter
3 35 of title 44, United States Code (commonly re-
4 ferred to as the Paperwork Reduction Act).

5 (f) EMERGENCY BROADBAND CONNECTIVITY
6 FUND.—

7 (1) ESTABLISHMENT.—There is established in
8 the Treasury of the United States a fund to be
9 known as the Emergency Broadband Connectivity
10 Fund.

11 (2) AUTHORIZATION OF APPROPRIATIONS.—
12 There is authorized to be appropriated to the Emer-
13 gency Broadband Connectivity Fund, out of any
14 money in the Treasury not otherwise appropriated,
15 \$1,000,000,000 for fiscal year 2020, to remain
16 available through fiscal year 2021.

17 (3) USE OF FUNDS.—Amounts in the Emer-
18 gency Broadband Connectivity Fund shall be avail-
19 able to the Commission to provide reimbursements
20 for Tier I service or Tier II service provided to eligi-
21 ble households under the regulations required pursu-
22 ant to subsection (a).

23 (4) RELATIONSHIP TO UNIVERSAL SERVICE
24 CONTRIBUTIONS.—Reimbursements provided under
25 the regulations required by subsection (a) shall be

1 provided from amounts made available under para-
2 graph (3) and not from contributions under section
3 254(d) of the Communications Act of 1934 (47
4 U.S.C. 254(d)).

5 (g) DEFINITIONS.—In this section:

6 (1) BROADBAND INTERNET ACCESS SERVICE.—
7 The term “broadband internet access service” has
8 the meaning given such term in section 8.1(b) of
9 title 47, Code of Federal Regulations (or any suc-
10 cessor regulation).

11 (2) COMMISSION.—The term “Commission”
12 means the Federal Communications Commission.

13 (3) ELIGIBLE HOUSEHOLD.—The term “eligible
14 household” means a household that meets the re-
15 quirements described in subsection (b)(1).

16 (4) EMERGENCY PERIOD.—The term “emer-
17 gency period” means the duration of a public health
18 emergency declared pursuant to section 319 of the
19 Public Health Service Act (42 U.S.C. 247d) as a re-
20 sult of COVID–19, including any renewal thereof.

21 (5) TIER I SERVICE.—The term “Tier I serv-
22 ice” means broadband internet access service that,
23 at a minimum, provides a download speed of 100
24 megabits per second, an upload speed of 10 mega-
25 bits per second, and latency that is sufficiently low

1 to allow real-time, interactive applications, with no
2 data caps or additional fees for the provision of such
3 service, except taxes and other governmental fees.

4 (6) TIER II SERVICE.—The term “Tier II serv-
5 ice” means broadband internet access service that,
6 at a minimum, provides a download speed of 25
7 megabits per second, an upload speed of 3 megabits
8 per second, and latency that is sufficiently low to
9 allow real-time, interactive applications, with no data
10 caps or additional fees for the provision of such serv-
11 ice, except taxes and other governmental fees.

12 **TITLE IV—CONTINUED**

13 **CONNECTIVITY**

14 **SEC. 401. CONTINUED CONNECTIVITY DURING EMERGENCY**

15 **PERIODS RELATING TO COVID-19.**

16 Title VII of the Communications Act of 1934 (47
17 U.S.C. 601 et seq.) is amended by adding at the end the
18 following:

19 **“SEC. 723. CONTINUED CONNECTIVITY DURING EMER-**

20 **GENCY PERIODS RELATING TO COVID-19.**

21 “(a) IN GENERAL.—During an emergency period de-
22 scribed in subsection (b), it shall be unlawful—

23 “(1) for a provider of advanced telecommuni-
24 cations service or voice service to—

1 “(A) terminate, reduce, or change such
2 service provided to any individual customer or
3 small business because of the inability of the in-
4 dividual customer or small business to pay for
5 such service if the individual customer or small
6 business certifies to such provider that such in-
7 ability to pay is a result of disruptions caused
8 by the public health emergency to which such
9 emergency period relates; or

10 “(B) impose late fees on any individual
11 customer or small business because of the in-
12 ability of the individual customer or small busi-
13 ness to pay for such service if the individual
14 customer or small business certifies to such pro-
15 vider that such inability to pay is a result of
16 disruptions caused by the public health emer-
17 gency to which such emergency period relates;

18 “(2) for a provider of advanced telecommuni-
19 cations service to, during such emergency period—

20 “(A) employ a limit on the amount of data
21 allotted to an individual customer or small busi-
22 ness during such emergency period, except that
23 such provider may engage in reasonable net-
24 work management; or

1 “(B) charge an individual customer or
2 small business an additional fee for exceeding
3 the limit on the data allotted to an individual
4 customer or small business; or

5 “(3) for a provider of advanced telecommuni-
6 cations service that had functioning Wi-Fi hotspots
7 available to subscribers in public places on the day
8 before the beginning of such emergency period to
9 fail to make service provided by such Wi-Fi hotspots
10 available to the public at no cost during such emer-
11 gency period.

12 “(b) WAIVER.—Upon a petition by a provider ad-
13 vanced telecommunications service or voice service, the
14 provisions in subsection (a) may be suspended or waived
15 by the Commission at any time, in whole or in part, for
16 good cause shown.

17 “(c) EMERGENCY PERIODS DESCRIBED.—An emer-
18 gency period described in this subsection is any portion
19 beginning on or after the date of the enactment of this
20 section of the duration of a public health emergency de-
21 clared pursuant to section 319 of the Public Health Serv-
22 ice Act (42 U.S.C. 247d) as a result of COVID–19, includ-
23 ing any renewal thereof.

24 “(d) DEFINITIONS.—In this section:

1 “(1) **ADVANCED TELECOMMUNICATIONS SERV-**
2 **ICE.**—The term ‘advanced telecommunications serv-

3 ice’ means a service that provides advanced tele-

4 communications capability (as defined in section 706

5 of the Telecommunications Act of 1996 (47 U.S.C.

6 1302)).

7 “(2) **BROADBAND INTERNET ACCESS SERV-**
8 **ICE.**—The term ‘broadband internet access service’

9 has the meaning given such term in section 8.1(b)

10 of title 47, Code of Federal Regulations (or any suc-

11 cessor regulation).

12 “(3) **INDIVIDUAL CUSTOMER.**—The term ‘indi-

13 vidual customer’ means an individual who contracts

14 with a mass-market retail provider of advanced tele-

15 communications service or voice service to provide

16 service to such individual.

17 “(4) **REASONABLE NETWORK MANAGEMENT.**—

18 The term ‘reasonable network management’—

19 “(A) means the use of a practice that—

20 “(i) has a primarily technical network

21 management justification; and

22 “(ii) is primarily used for and tailored

23 to achieving a legitimate network manage-

24 ment purpose, taking into account the par-

1 ticular network architecture and tech-
2 nology of the service; and

3 “(B) does not include other business prac-
4 tices.

5 “(5) SMALL BUSINESS.—The term ‘small busi-
6 ness’ has the meaning given such term under section
7 601(3) of title 5, United States Code.

8 “(6) VOICE SERVICE.—The term ‘voice service’
9 has the meaning given such term under section
10 227(e)(8) of the Communications Act of 1934 (47
11 U.S.C. 227(e)(8)).

12 “(7) WI-FI.—The term ‘Wi-Fi’ means a wire-
13 less networking protocol based on Institute of Elec-
14 trical and Electronics Engineers standard 802.11
15 (or any successor standard).

16 “(8) WI-FI HOTSPOT.—The term ‘Wi-Fi
17 hotspot’ means a device that is capable of—

18 “(A) receiving mobile broadband internet
19 access service; and

20 “(B) sharing such service with another de-
21 vice through the use of Wi-Fi.”.

1 **TITLE V—DON’T BREAK UP THE**
2 **T-BAND**

3 **SEC. 501. REPEAL OF REQUIREMENT TO REALLOCATE AND**
4 **AUCTION T-BAND SPECTRUM.**

5 (a) REPEAL.—Section 6103 of the Middle Class Tax
6 Relief and Job Creation Act of 2012 (47 U.S.C. 1413)
7 is repealed.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 in section 1(b) of such Act is amended by striking the
10 item relating to section 6103.

11 **SEC. 502. CLARIFYING ACCEPTABLE 9-1-1 OBLIGATIONS OR**
12 **EXPENDITURES.**

13 Section 6 of the Wireless Communications and Public
14 Safety Act of 1999 (47 U.S.C. 615a-1) is amended—

15 (1) in subsection (f)—

16 (A) in paragraph (1), by striking “as spec-
17 ified in the provision of State or local law
18 adopting the fee or charge” and inserting “con-
19 sistent with the purposes and functions des-
20 ignated in the final rules issued under para-
21 graph (3) as purposes and functions for which
22 the obligation or expenditure of such a fee or
23 charge is acceptable”;

24 (B) in paragraph (2), by striking “any
25 purpose other than the purpose for which any

1 such fees or charges are specified” and insert-
2 ing “any purpose or function other than the
3 purposes and functions designated in the final
4 rules issued under paragraph (3) as purposes
5 and functions for which the obligation or ex-
6 penditure of any such fees or charges is accept-
7 able”; and

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

9 “(3) ACCEPTABLE OBLIGATIONS OR EXPENDI-
10 TURES.—

11 “(A) RULES REQUIRED.—In order to pre-
12 vent diversion of 9–1–1 fees or charges, the
13 Commission shall, not later than 180 days after
14 the date of the enactment of this paragraph,
15 issue final rules designating purposes and func-
16 tions for which the obligation or expenditure of
17 9–1–1 fees or charges, by any State or taxing
18 jurisdiction authorized to impose such a fee or
19 charge, is acceptable.

20 “(B) PURPOSES AND FUNCTIONS.—The
21 purposes and functions designated under sub-
22 paragraph (A) shall be limited to the support
23 and implementation of 9–1–1 services provided
24 by or in the State or taxing jurisdiction impos-
25 ing the fee or charge and operational expenses

1 of public safety answering points within such
2 State or taxing jurisdiction. In designating such
3 purposes and functions, the Commission shall
4 consider the purposes and functions that States
5 and taxing jurisdictions specify as the intended
6 purposes and functions for the 9–1–1 fees or
7 charges of such States and taxing jurisdictions,
8 and determine whether such purposes and func-
9 tions directly support providing 9–1–1 services.

10 “(C) CONSULTATION REQUIRED.—The
11 Commission shall consult with public safety or-
12 ganizations and States and taxing jurisdictions
13 as part of any proceeding under this paragraph.

14 “(D) DEFINITIONS.—In this paragraph:

15 “(i) 9–1–1 FEE OR CHARGE.—The
16 term ‘9–1–1 fee or charge’ means a fee or
17 charge applicable to commercial mobile
18 services or IP-enabled voice services spe-
19 cifically designated by a State or taxing ju-
20 risdiction for the support or implementa-
21 tion of 9–1–1 services.

22 “(ii) 9–1–1 SERVICES.—The term ‘9–
23 1–1 services’ has the meaning given such
24 term in section 158(e) of the National
25 Telecommunications and Information Ad-

1 ministration Organization Act (47 U.S.C.
2 942(e)).

3 “(iii) STATE OR TAXING JURISDIC-
4 TION.—The term ‘State or taxing jurisdic-
5 tion’ means a State, political subdivision
6 thereof, Indian Tribe, or village or regional
7 corporation serving a region established
8 pursuant to the Alaska Native Claims Set-
9 tlement Act (43 U.S.C. 1601 et seq.).

10 “(4) PARTICIPATION.—If a State or taxing ju-
11 risdiction (as defined in paragraph (3)(D)) receives
12 a grant under section 158 of the National Tele-
13 communications and Information Administration Or-
14 ganization Act (47 U.S.C. 942) after the date of the
15 enactment of this paragraph, such State or taxing
16 jurisdiction shall, as a condition of receiving such
17 grant, provide the information requested by the
18 Commission to prepare the report required by para-
19 graph (2).

20 “(5) PETITION REGARDING ADDITIONAL PUR-
21 POSES AND FUNCTIONS.—

22 “(A) IN GENERAL.—A State or taxing ju-
23 risdiction (as defined in paragraph (3)(D)) may
24 submit to the Commission a petition for a de-
25 termination that an obligation or expenditure of

1 a 9–1–1 fee or charge (as defined in such para-
2 graph) by such State or taxing jurisdiction for
3 a purpose or function other than a purpose or
4 function designated under paragraph (3)(A)
5 should be treated as such a purpose or function.
6 If the Commission finds that the State or tax-
7 ing jurisdiction has provided sufficient docu-
8 mentation to make the demonstration described
9 in subparagraph (B), the Commission shall
10 grant such petition.

11 “(B) DEMONSTRATION DESCRIBED.—The
12 demonstration described in this subparagraph is
13 a demonstration that the purpose or function—

14 “(i) supports public safety answering
15 point functions or operations; or

16 “(ii) has a direct impact on the ability
17 of a public safety answering point to—

18 “(I) receive or respond to 9–1–1
19 calls; or

20 “(II) dispatch emergency re-
21 sponders.”; and

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

23 “(j) SEVERABILITY CLAUSE.—If any provision of this
24 section or the application thereof to any person or cir-
25 cumstance is held invalid, the remainder of this section

1 and the application of such provision to other persons or
2 circumstances shall not be affected thereby.”.

3 **SEC. 503. PROHIBITION ON 9-1-1 FEE OR CHARGE DIVER-**
4 **SION.**

5 (a) IN GENERAL.—If the Commission obtains evi-
6 dence that suggests the diversion by a State or taxing ju-
7 risdiction of 9-1-1 fees or charges, the Commission shall
8 submit such information, including any information re-
9 garding the impact of any underfunding of 9-1-1 services
10 in the State or taxing jurisdiction, to the interagency
11 strike force established under subsection (c).

12 (b) REPORT TO CONGRESS.—Beginning with the first
13 report under section 6(f)(2) of the Wireless Communica-
14 tions and Public Safety Act of 1999 (47 U.S.C. 615a-
15 1(f)(2)) that is required to be submitted after the date
16 that is 1 year after the date of the enactment of this Act,
17 the Commission shall include in each report required
18 under such section all evidence that suggests the diversion
19 by a State or taxing jurisdiction of 9-1-1 fees or charges,
20 including any information regarding the impact of any
21 underfunding of 9-1-1 services in the State or taxing ju-
22 risdiction.

23 (c) INTERAGENCY STRIKE FORCE TO END 9-1-1
24 FEE OR CHARGE DIVERSION.—

1 (1) ESTABLISHMENT.—Not later than 180 days
2 after the date of the enactment of this Act, the
3 Commission shall establish an interagency strike
4 force to study how the Federal Government can
5 most expeditiously end diversion by a State or taxing
6 jurisdiction of 9–1–1 fees or charges. Such inter-
7 agency strike force shall be known as the “Ending
8 9–1–1 Fee Diversion Now Strike Force” (in this
9 section referred to as the “Strike Force”).

10 (2) DUTIES.—In carrying out the study under
11 paragraph (1), the Strike Force shall—

12 (A) determine the effectiveness of any Fed-
13 eral laws, including regulations, policies, and
14 practices, or budgetary or jurisdictional con-
15 straints regarding how the Federal Government
16 can most expeditiously end diversion by a State
17 or taxing jurisdiction of 9–1–1 fees or charges;

18 (B) consider whether criminal penalties
19 would further prevent diversion by a State or
20 taxing jurisdiction of 9–1–1 fees or charges;
21 and

22 (C) determine the impacts of diversion by
23 a State or taxing jurisdiction of 9–1–1 fees or
24 charges.

1 (3) MEMBERS.—The Strike Force shall be com-
2 posed of such representatives of Federal depart-
3 ments and agencies as the Commission considers ap-
4 propriate, in addition to—

5 (A) State attorneys general;

6 (B) States or taxing jurisdictions found
7 not to be engaging in diversion of 9–1–1 fees
8 or charges;

9 (C) States or taxing jurisdictions trying to
10 stop the diversion of 9–1–1 fees or charges;

11 (D) State 9–1–1 administrators;

12 (E) public safety organizations;

13 (F) groups representing the public and
14 consumers; and

15 (G) groups representing public safety an-
16 swering point professionals.

17 (4) REPORT TO CONGRESS.—Not later than
18 270 days after the date of the enactment of this Act,
19 the Strike Force shall publish on the website of the
20 Commission and submit to the Committee on En-
21 ergy and Commerce of the House of Representatives
22 and the Committee on Commerce, Science, and
23 Transportation of the Senate a report on the find-
24 ings of the study under this subsection, including—

1 (A) any recommendations regarding how to
2 most expeditiously end the diversion by a State
3 or taxing jurisdiction of 9–1–1 fees or charges,
4 including actions that can be taken by Federal
5 departments and agencies and appropriate
6 changes to law or regulations; and

7 (B) a description of what progress, if any,
8 relevant Federal departments and agencies have
9 made in implementing the recommendations
10 under subparagraph (A).

11 (d) FAILURE TO COMPLY.—Notwithstanding any
12 other provision of law, any State or taxing jurisdiction
13 identified by the Commission in the report required under
14 section 6(f)(2) of the Wireless Communications and Public
15 Safety Act of 1999 (47 U.S.C. 615a–1(f)(2)) as engaging
16 in diversion of 9–1–1 fees or charges shall be ineligible
17 to participate or send a representative to serve on any
18 committee, panel, or council established under section
19 6205(a) of the Middle Class Tax Relief and Job Creation
20 Act of 2012 (47 U.S.C. 1425(a)) or any advisory com-
21 mittee established by the Commission.

22 **SEC. 504. RULE OF CONSTRUCTION.**

23 Nothing in this title, the Wireless Communications
24 and Public Safety Act of 1999 (Public Law 106–81), or
25 the Communications Act of 1934 (47 U.S.C. 151 et seq.)

1 shall be construed to prevent a State or taxing jurisdiction
2 from requiring an annual audit of the books and records
3 of a provider of 9–1–1 services concerning the collection
4 and remittance of a 9–1–1 fee or charge.

5 **SEC. 505. DEFINITIONS.**

6 In this title:

7 (1) 9–1–1 FEE OR CHARGE.—The term “9–1–
8 1 fee or charge” has the meaning given such term
9 in subparagraph (D) of paragraph (3) of section 6(f)
10 of the Wireless Communications and Public Safety
11 Act of 1999, as added by this title.

12 (2) 9–1–1 SERVICES.—The term “9–1–1 serv-
13 ices” has the meaning given such term in section
14 158(e) of the National Telecommunications and In-
15 formation Administration Organization Act (47
16 U.S.C. 942(e)).

17 (3) COMMISSION.—The term “Commission”
18 means the Federal Communications Commission.

19 (4) DIVERSION.—The term “diversion” means,
20 with respect to a 9–1–1 fee or charge, the obligation
21 or expenditure of such fee or charge for a purpose
22 or function other than the purposes and functions
23 designated in the final rules issued under paragraph
24 (3) of section 6(f) of the Wireless Communications
25 and Public Safety Act of 1999, as added by this

1 title, as purposes and functions for which the obliga-
2 tion or expenditure of such a fee or charge is accept-
3 able.

4 (5) STATE OR TAXING JURISDICTION.—The
5 term “State or taxing jurisdiction” has the meaning
6 given such term in subparagraph (D) of paragraph
7 (3) of section 6(f) of the Wireless Communications
8 and Public Safety Act of 1999, as added by this
9 title.

10 **DIVISION V—GROW ACT**

11 **SEC. 101. SHORT TITLE.**

12 This division may be cited as the “Giving Retirement
13 Options to Workers Act of 2020” or the “GROW Act”.

14 **SEC. 102. COMPOSITE PLANS.**

15 (a) AMENDMENT TO THE EMPLOYEE RETIREMENT
16 INCOME SECURITY ACT OF 1974.—

17 (1) IN GENERAL.—Title I of the Employee Re-
18 tirement Income Security Act of 1974 (29 U.S.C.
19 1001 et seq.) is amended by adding at the end the
20 following:

21 **“PART 8—COMPOSITE PLANS AND LEGACY**

22 **PLANS**

23 **“SEC. 801. COMPOSITE PLAN DEFINED.**

24 “(a) IN GENERAL.—For purposes of this Act, the
25 term ‘composite plan’ means a pension plan—

1 “(1) which is a multiemployer plan that is nei-
2 ther a defined benefit plan nor a defined contribu-
3 tion plan;

4 “(2) the terms of which provide that the plan
5 is a composite plan for purposes of this title with re-
6 spect to which not more than one multiemployer de-
7 fined benefit plan is treated as a legacy plan within
8 the meaning of section 805, unless there is more
9 than one legacy plan following a merger of composite
10 plans under section 806;

11 “(3) which provides systematically for the pay-
12 ment of benefits—

13 “(A) objectively calculated pursuant to a
14 formula enumerated in the plan document with
15 respect to plan participants after retirement,
16 for life; and

17 “(B) in the form of life annuities, except
18 for benefits which under section 203(e) may be
19 immediately distributed without the consent of
20 the participant;

21 “(4) for which the plan contributions for the
22 first plan year are at least 120 percent of the nor-
23 mal cost for the plan year;

24 “(5) which requires—

1 “(A) an annual valuation of the liability of
2 the plan as of a date within the plan year to
3 which the valuation refers or within one month
4 prior to the beginning of such year;

5 “(B) an annual actuarial determination of
6 the plan’s current funded ratio and projected
7 funded ratio under section 802(a);

8 “(C) corrective action through a realign-
9 ment program pursuant to section 803 when-
10 ever the plan’s projected funded ratio is below
11 120 percent for the plan year; and

12 “(D) an annual notification to each partici-
13 pant describing the participant’s benefits under
14 the plan and explaining that such benefits may
15 be subject to reduction under a realignment
16 program pursuant to section 803 based on the
17 plan’s funded status in future plan years; and

18 “(6) the board of trustees of which includes at
19 least one retiree or beneficiary in pay status during
20 each plan year following the first plan year in which
21 at least 5 percent of the participants in the plan are
22 retirees or beneficiaries in pay status.

23 “(b) TRANSITION FROM A MULTIEmployer DE-
24 FINED BENEFIT PLAN.—

1 “(1) IN GENERAL.—The plan sponsor of a de-
2 fined benefit plan that is a multiemployer plan may,
3 subject to paragraph (2), amend the plan to incor-
4 porate the features of a composite plan as a compo-
5 nent of the multiemployer plan separate from the
6 defined benefit plan component, except in the case of
7 a defined benefit plan for which the plan actuary has
8 certified under section 305(b)(3) that the plan is or
9 will be in critical status for the plan year in which
10 such amendment would become effective or for any
11 of the succeeding 5 plan years.

12 “(2) REQUIREMENTS.—Any amendment pursu-
13 ant to paragraph (1) to incorporate the features of
14 a composite plan as a component of a multiemployer
15 plan shall—

16 “(A) apply with respect to all collective
17 bargaining agreements providing for contribu-
18 tions to the multiemployer plan on or after the
19 effective date of the amendment;

20 “(B) apply with respect to all participants
21 in the multiemployer plan for whom contribu-
22 tions are made to the multiemployer plan on or
23 after the effective date of the amendment;

24 “(C) specify that the effective date of the
25 amendment is—

1 “(i) the first day of a specified plan
2 year following the date of the adoption of
3 the amendment, except that the plan spon-
4 sor may alternatively provide for a sepa-
5 rate effective date with respect to each col-
6 lective bargaining agreement under which
7 contributions to the multiemployer plan
8 are required, which shall occur on the first
9 day of the first plan year beginning after
10 the termination, or if earlier, the re-open-
11 ing, of each such agreement, or such ear-
12 lier date as the parties to the agreement
13 and the plan sponsor of the multiemployer
14 plan shall agree to; and

15 “(ii) not later than the first day of the
16 fifth plan year beginning on or after the
17 date of the adoption of the amendment;

18 “(D) specify that, as of the amendment’s
19 effective date, no further benefits shall accrue
20 under the defined benefit component of the
21 multiemployer plan; and

22 “(E) specify that, as of the amendment’s
23 effective date, the plan sponsor of the multiem-
24 ployer plan shall be the plan sponsor of both

1 the composite plan component and the defined
2 benefit plan component of the plan.

3 “(3) SPECIAL RULES.—If a multiemployer plan
4 is amended pursuant to paragraph (1)—

5 “(A) the requirements of this title and title
6 IV shall be applied to the composite plan com-
7 ponent and the defined benefit plan component
8 of the multiemployer plan as if each such com-
9 ponent were maintained as a separate plan; and

10 “(B) the assets of the composite plan com-
11 ponent and the defined benefit plan component
12 of the plan shall be held in a single trust form-
13 ing part of the plan under which the trust in-
14 strument expressly provides—

15 “(i) for separate accounts (and appro-
16 priate records) to be maintained to reflect
17 the interest which each of the plan compo-
18 nents has in the trust, including separate
19 accounting for additions to the trust for
20 the benefit of each plan component, dis-
21 bursements made from each plan compo-
22 nent’s account in the trust, investment ex-
23 perience of the trust allocable to that ac-
24 count, and administrative expenses (wheth-
25 er direct expenses or shared expenses allo-

1 cated proportionally), and permits, but
2 does not require, the pooling of some or all
3 of the assets of the two plan components
4 for investment purposes; and

5 “(ii) that the assets of each of the two
6 plan components shall be held, invested,
7 reinvested, managed, administered and dis-
8 tributed for the exclusive benefit of the
9 participants and beneficiaries of each such
10 plan component, and in no event shall the
11 assets of one of the plan components be
12 available to pay benefits due under the
13 other plan component.

14 “(4) NOT A TERMINATION EVENT.—Notwith-
15 standing section 4041A, an amendment pursuant to
16 paragraph (1) to incorporate the features of a com-
17 posite plan as a component of a multiemployer plan
18 does not constitute termination of the multiemployer
19 plan.

20 “(5) NOTICE TO THE SECRETARY.—

21 “(A) NOTICE.—The plan sponsor of a
22 composite plan shall provide notice to the Sec-
23 retary of the intent to establish the composite
24 plan (or, in the case of a composite plan incor-
25 porated as a component of a multiemployer

1 plan as described in paragraph (1), the intent
2 to amend the multiemployer plan to incorporate
3 such composite plan) at least 30 days prior to
4 the effective date of such establishment or
5 amendment.

6 “(B) CERTIFICATION.—In the case of a
7 composite plan incorporated as a component of
8 a multiemployer plan as described in paragraph
9 (1), such notice shall include a certification by
10 the plan actuary under section 305(b)(3) that
11 the effective date of the amendment occurs in
12 a plan year for which the multiemployer plan is
13 not in critical status for that plan year and any
14 of the succeeding 5 plan years.

15 “(6) REFERENCES TO COMPOSITE PLAN COM-
16 PONENT.—As used in this part, the term ‘composite
17 plan’ includes a composite plan component added to
18 a defined benefit plan pursuant to paragraph (1).

19 “(7) RULE OF CONSTRUCTION.—Paragraph
20 (2)(A) shall not be construed as preventing the plan
21 sponsor of a multiemployer plan from adopting an
22 amendment pursuant to paragraph (1) because some
23 collective bargaining agreements are amended to
24 cease any covered employer’s obligation to contribute
25 to the multiemployer plan before or after the plan

1 amendment is effective. Paragraph (2)(B) shall not
2 be construed as preventing the plan sponsor of a
3 multiemployer plan from adopting an amendment
4 pursuant to paragraph (1) because some partici-
5 pants cease to have contributions made to the multi-
6 employer plan on their behalf before or after the
7 plan amendment is effective.

8 “(c) COORDINATION WITH FUNDING RULES.—Ex-
9 cept as otherwise provided in this title, sections 302, 304,
10 and 305 shall not apply to a composite plan.

11 “(d) TREATMENT OF A COMPOSITE PLAN.—For pur-
12 poses of this Act (other than sections 302 and 4245), a
13 composite plan shall be treated as if it were a defined ben-
14 efit plan unless a different treatment is provided for under
15 applicable law.

16 **“SEC. 802. FUNDED RATIOS; ACTUARIAL ASSUMPTIONS.**

17 “(a) CERTIFICATION OF FUNDED RATIOS.—

18 “(1) IN GENERAL.—Not later than the one-
19 hundred twentieth day of each plan year of a com-
20 posite plan, the plan actuary of the composite plan
21 shall certify to the Secretary, the Secretary of the
22 Treasury, and the plan sponsor the plan’s current
23 funded ratio and projected funded ratio for the plan
24 year.

1 “(2) DETERMINATION OF CURRENT FUNDED
2 RATIO AND PROJECTED FUNDED RATIO.—For pur-
3 poses of this section:

4 “(A) CURRENT FUNDED RATIO.—The cur-
5 rent funded ratio is the ratio (expressed as a
6 percentage) of—

7 “(i) the value of the plan’s assets as
8 of the first day of the plan year; to

9 “(ii) the plan actuary’s best estimate
10 of the present value of the plan liabilities
11 as of the first day of the plan year.

12 “(B) PROJECTED FUNDED RATIO.—The
13 projected funded ratio is the current funded
14 ratio projected to the first day of the fifteenth
15 plan year following the plan year for which the
16 determination is being made.

17 “(3) CONSIDERATION OF CONTRIBUTION RATE
18 INCREASES.—For purposes of projections under this
19 subsection, the plan sponsor may anticipate con-
20 tribution rate increases beyond the term of the cur-
21 rent collective bargaining agreement and any agreed-
22 to supplements, up to a maximum of 2.5 percent per
23 year, compounded annually, unless it would be un-
24 reasonable under the circumstances to assume that
25 contributions would increase by that amount.

1 “(b) ACTUARIAL ASSUMPTIONS AND METHODS.—

2 For purposes of this part:

3 “(1) IN GENERAL.—All costs, liabilities, rates
4 of interest and other factors under the plan shall be
5 determined for a plan year on the basis of actuarial
6 assumptions and methods—

7 “(A) each of which is reasonable (taking
8 into account the experience of the plan and rea-
9 sonable expectations);

10 “(B) which, in combination, offer the actu-
11 ary’s best estimate of anticipated experience
12 under the plan; and

13 “(C) with respect to which any change
14 from the actuarial assumptions and methods
15 used in the previous plan year shall be certified
16 by the plan actuary and the actuarial rationale
17 for such change provided in the annual report
18 required by section 103.

19 “(2) FAIR MARKET VALUE OF ASSETS.—The
20 value of the plan’s assets shall be taken into account
21 on the basis of their fair market value.

22 “(3) DETERMINATION OF NORMAL COST AND
23 PLAN LIABILITIES.—A plan’s normal cost and liabil-
24 ities shall be based on the most recent actuarial

1 valuation required under section 801(a)(5)(A) and
2 the unit credit funding method.

3 “(4) TIME WHEN CERTAIN CONTRIBUTIONS
4 DEEMED MADE.—Any contributions for a plan year
5 made by an employer after the last day of such plan
6 year, but not later than two and one-half months
7 after such day, shall be deemed to have been made
8 on such last day. For purposes of this paragraph,
9 such two and one-half month period may be ex-
10 tended for not more than six months under regula-
11 tions prescribed by the Secretary of the Treasury.

12 “(5) ADDITIONAL ACTUARIAL ASSUMPTIONS.—
13 Except where otherwise provided in this part, the
14 provisions of section 305(b)(3)(B) shall apply to any
15 determination or projection under this part.

16 **“SEC. 803. REALIGNMENT PROGRAM.**

17 “(a) REALIGNMENT PROGRAM.—

18 “(1) ADOPTION.—In any case in which the plan
19 actuary certifies under section 802(a) that the plan’s
20 projected funded ratio is below 120 percent for the
21 plan year, the plan sponsor shall adopt a realign-
22 ment program under paragraph (2) not later than
23 210 days after the due date of the certification re-
24 quired under such section 802(a). The plan sponsor
25 shall adopt an updated realignment program for

1 each succeeding plan year for which a certification
2 described in the preceding sentence is made.

3 “(2) CONTENT OF REALIGNMENT PROGRAM.—

4 “(A) IN GENERAL.—A realignment pro-
5 gram adopted under this paragraph is a written
6 program which consists of all reasonable meas-
7 ures, including options or a range of options to
8 be undertaken by the plan sponsor or proposed
9 to the bargaining parties, formulated, based on
10 reasonably anticipated experience and reason-
11 able actuarial assumptions, to enable the plan
12 to achieve a projected funded ratio of at least
13 120 percent for the following plan year.

14 “(B) INITIAL PROGRAM ELEMENTS.—Rea-
15 sonable measures under a realignment program
16 described in subparagraph (A) may include any
17 of the following:

18 “(i) Proposed contribution increases.

19 “(ii) A reduction in the rate of future
20 benefit accruals, so long as the resulting
21 rate is not less than 1 percent of the con-
22 tributions on which benefits are based as
23 of the start of the plan year (or the equiva-
24 lent standard accrual rate as described in
25 section 305(e)(6)).

1 “(iii) A modification or elimination of
2 adjustable benefits of participants that are
3 not in pay status before the date of the no-
4 tice required under subsection (b)(1).

5 “(iv) Any other lawfully available
6 measures not specifically described in this
7 subparagraph or subparagraph (C) or (D)
8 that the plan sponsor determines are rea-
9 sonable.

10 “(C) ADDITIONAL PROGRAM ELEMENTS.—

11 If the plan sponsor has determined that all rea-
12 sonable measures available under subparagraph
13 (B) will not enable the plan to achieve a pro-
14 jected funded ratio of at least 120 percent for
15 the following plan year, such reasonable meas-
16 ures may also include—

17 “(i) a reduction of accrued benefits
18 that are not in pay status by the date of
19 the notice required under subsection
20 (b)(1); or

21 “(ii) a reduction of any benefits of
22 participants that are in pay status before
23 the date of the notice required under sub-
24 section (b)(1) other than core benefits as
25 defined in paragraph (4).

1 “(D) ADDITIONAL REDUCTIONS.—In the
2 case of a composite plan for which the plan
3 sponsor has determined that all reasonable
4 measures available under subparagraphs (B)
5 and (C) will not enable the plan to achieve a
6 projected funded ratio of at least 120 percent
7 for the following plan year, such reasonable
8 measures may also include—

9 “(i) a further reduction in the rate of
10 future benefit accruals without regard to
11 the limitation applicable under subpara-
12 graph (B)(ii); or

13 “(ii) a reduction of core benefits;
14 provided that such reductions shall be equitably
15 distributed across the participant and bene-
16 ficiary population, taking into account factors,
17 with respect to participants and beneficiaries
18 and their benefits, that may include one or
19 more of the factors listed in subclauses (I)
20 through (X) of section 305(e)(9)(D)(vi), to the
21 extent necessary to enable the plan to achieve
22 a projected funded ratio of at least 120 percent
23 for the following plan year, or at the election of
24 the plan sponsor, a projected funded ratio of at
25 least 100 percent for the following plan year

1 and a current funded ratio of at least 90 per-
2 cent.

3 “(3) ADJUSTABLE BENEFIT DEFINED.—For
4 purposes of this part, the term ‘adjustable benefit’
5 means—

6 “(A) benefits, rights, and features under
7 the plan, including post-retirement death bene-
8 fits, 60-month guarantees, disability benefits
9 not yet in pay status, and similar benefits;

10 “(B) any early retirement benefit or retire-
11 ment-type subsidy (within the meaning of sec-
12 tion 204(g)(2)(A)) and any benefit payment op-
13 tion (other than the qualified joint and survivor
14 annuity); and

15 “(C) benefit increases that were adopted
16 (or, if later, took effect) less than 60 months
17 before the first day such realignment program
18 took effect.

19 “(4) CORE BENEFIT DEFINED.—For purposes
20 of this part, the term ‘core benefit’ means a partici-
21 pant’s accrued benefit payable in the normal form of
22 an annuity commencing at normal retirement age,
23 determined without regard to—

24 “(A) any early retirement benefits, retire-
25 ment-type subsidies, or other benefits, rights, or

1 features that may be associated with that ben-
2 efit; and

3 “(B) any cost-of-living adjustments or ben-
4 efit increases effective after the date of retire-
5 ment.

6 “(5) COORDINATION WITH CONTRIBUTION IN-
7 CREASES.—

8 “(A) IN GENERAL.—A realignment pro-
9 gram may provide that some or all of the ben-
10 efit modifications described in the program will
11 only take effect if the bargaining parties fail to
12 agree to specified levels of increases in contribu-
13 tions to the plan, effective as of specified dates.

14 “(B) INDEPENDENT BENEFIT MODIFICA-
15 TIONS.—If a realignment program adopts any
16 changes to the benefit formula that are inde-
17 pendent of potential contribution increases,
18 such changes shall take effect not later than
19 180 days after the first day of the first plan
20 year that begins following the adoption of the
21 realignment program.

22 “(C) CONDITIONAL BENEFIT MODIFICA-
23 TIONS.—If a realignment program adopts any
24 changes to the benefit formula that take effect
25 only if the bargaining parties fail to agree to

1 contribution increases, such changes shall take
2 effect not later than the first day of the first
3 plan year beginning after the third anniversary
4 of the date of adoption of the realignment pro-
5 gram.

6 “(D) REVOCATION OF CERTAIN BENEFIT
7 MODIFICATIONS.—Benefit modifications de-
8 scribed in subparagraph (C) may be revoked, in
9 whole or in part, and retroactively or prospec-
10 tively, when contributions to the plan are in-
11 creased, as specified in the realignment pro-
12 gram, including any amendments thereto. The
13 preceding sentence shall not apply unless the
14 contribution increases are to be effective not
15 later than the fifth anniversary of the first day
16 of the first plan year that begins after the
17 adoption of the realignment program.

18 “(b) NOTICE.—

19 “(1) IN GENERAL.—In any case in which it is
20 certified under section 802(a) that the projected
21 funded ratio is less than 120 percent, the plan spon-
22 sor shall, not later than 30 days after the date of
23 the certification, provide notification of the current
24 and projected funded ratios to the participants and

1 beneficiaries, the bargaining parties, and the Sec-
2 retary. Such notice shall include—

3 “(A) an explanation that contribution rate
4 increases or benefit reductions may be nec-
5 essary;

6 “(B) a description of the types of benefits
7 that might be reduced; and

8 “(C) an estimate of the contribution in-
9 creases and benefit reductions that may be nec-
10 essary to achieve a projected funded ratio of
11 120 percent.

12 “(2) NOTICE OF BENEFIT MODIFICATIONS.—

13 “(A) IN GENERAL.—No modifications may
14 be made that reduce the rate of future benefit
15 accrual or that reduce core benefits or adjust-
16 able benefits unless notice of such reduction has
17 been given at least 180 days before the general
18 effective date of such reduction for all partici-
19 pants and beneficiaries to—

20 “(i) plan participants and bene-
21 ficiaries;

22 “(ii) each employer who has an obliga-
23 tion to contribute to the composite plan;
24 and

1 “(iii) each employee organization
2 which, for purposes of collective bar-
3 gaining, represents plan participants em-
4 ployed by such employers.

5 “(B) CONTENT OF NOTICE.—The notice
6 under subparagraph (A) shall contain—

7 “(i) sufficient information to enable
8 participants and beneficiaries to under-
9 stand the effect of any reduction on their
10 benefits, including an illustration of any
11 affected benefit or subsidy, on an annual
12 or monthly basis that a participant or ben-
13 eficiary would otherwise have been eligible
14 for as of the general effective date de-
15 scribed in subparagraph (A); and

16 “(ii) information as to the rights and
17 remedies of plan participants and bene-
18 ficiaries as well as how to contact the De-
19 partment of Labor for further information
20 and assistance, where appropriate.

21 “(C) FORM AND MANNER.—Any notice
22 under subparagraph (A)—

23 “(i) shall be provided in a form and
24 manner prescribed in regulations of the
25 Secretary of Labor;

1 “(ii) shall be written in a manner so
2 as to be understood by the average plan
3 participant.

4 “(3) MODEL NOTICES.—The Secretary shall—

5 “(A) prescribe model notices that the plan
6 sponsor of a composite plan may use to satisfy
7 the notice requirements under this subsection;
8 and

9 “(B) by regulation enumerate any details
10 related to the elements listed in paragraph (1)
11 that any notice under this subsection must in-
12 clude.

13 “(4) DELIVERY METHOD.—Any notice under
14 this part shall be provided in writing and may also
15 be provided in electronic form to the extent that the
16 form is reasonably accessible to persons to whom the
17 notice is provided.

18 **“SEC. 804. LIMITATION ON INCREASING BENEFITS.**

19 “(a) LEVEL OF CURRENT FUNDED RATIOS.—Except
20 as provided in subsections (c), (d), and (e), no plan
21 amendment increasing benefits or establishing new bene-
22 fits under a composite plan may be adopted for a plan
23 year unless—

1 “(1) the plan’s current funded ratio is at least
2 110 percent (without regard to the benefit increase
3 or new benefits);

4 “(2) taking the benefit increase or new benefits
5 into account, the current funded ratio is at least 100
6 percent and the projected funded ratio for the cur-
7 rent plan year is at least 120 percent;

8 “(3) in any case in which, after taking the ben-
9 efit increase or new benefits into account, the cur-
10 rent funded ratio is less than 140 percent and the
11 projected funded ratio is less than 140 percent, the
12 benefit increase or new benefits are projected by the
13 plan actuary to increase the present value of the
14 plan’s liabilities for the plan year by not more than
15 3 percent; and

16 “(4) expected contributions for the current plan
17 year are at least 120 percent of normal cost for the
18 plan year, determined using the unit credit funding
19 method and treating the benefit increase or new ben-
20 efits as in effect for the entire plan year.

21 “(b) **ADDITIONAL REQUIREMENTS WHERE CORE**
22 **BENEFITS REDUCED.**—If a plan has been amended to re-
23 duce core benefits pursuant to a realignment program
24 under section 803(a)(2)(D), such plan may not be subse-

1 requently amended to increase core benefits unless the
2 amendment—

3 “(1) increases the level of future benefit pay-
4 ments only; and

5 “(2) provides for an equitable distribution of
6 benefit increases across the participant and bene-
7 ficiary population, taking into account the extent to
8 which the benefits of participants were previously re-
9 duced pursuant to such realignment program.

10 “(c) EXCEPTION TO COMPLY WITH APPLICABLE
11 LAW.—Subsection (a) shall not apply in connection with
12 a plan amendment if the amendment is required as a con-
13 dition of qualification under part I of subchapter D of
14 chapter 1 of the Internal Revenue Code of 1986 or to com-
15 ply with other applicable law.

16 “(d) EXCEPTION WHERE MAXIMUM DEDUCTIBLE
17 LIMIT APPLIES.—Subsection (a) shall not apply in con-
18 nection with a plan amendment if and to the extent that
19 contributions to the composite plan would not be deduct-
20 ible for the plan year under section 404(a)(1)(E) of the
21 Internal Revenue Code of 1986 if the plan amendment is
22 not adopted.

23 “(e) EXCEPTION FOR CERTAIN BENEFIT MODIFICA-
24 TIONS.—Subsection (a) shall not apply in connection with

1 a plan amendment under section 803(a)(5)(C), regarding
2 conditional benefit modifications.

3 “(f) TREATMENT OF PLAN AMENDMENTS.—For pur-
4 poses of this section—

5 “(1) if two or more plan amendments increas-
6 ing benefits or establishing new benefits are adopted
7 in a plan year, such amendments shall be treated as
8 a single amendment adopted on the last day of the
9 plan year;

10 “(2) all benefit increases and new benefits
11 adopted in a single amendment are treated as a sin-
12 gle benefit increase, irrespective of whether the in-
13 creases and new benefits take effect in more than
14 one plan year; and

15 “(3) increases in contributions or decreases in
16 plan liabilities which are scheduled to take effect in
17 future plan years may be taken into account in con-
18 nection with a plan amendment if they have been
19 agreed to in writing or otherwise formalized by the
20 date the plan amendment is adopted.

21 **“SEC. 805. COMPOSITE PLAN RESTRICTIONS TO PRESERVE**
22 **LEGACY PLAN FUNDING.**

23 “(a) TREATMENT AS A LEGACY PLAN.—

24 “(1) IN GENERAL.—For purposes of this part
25 and parts 2 and 3, a defined benefit plan shall be

1 treated as a legacy plan with respect to the com-
2 posite plan under which the employees who were eli-
3 gible to accrue a benefit under the defined benefit
4 plan become eligible to accrue a benefit under such
5 composite plan.

6 “(2) COMPONENT PLANS.—In any case in
7 which a defined benefit plan is amended to add a
8 composite plan component pursuant to section
9 801(b), paragraph (1) shall be applied by sub-
10 stituting ‘defined benefit component’ for ‘defined
11 benefit plan’ and ‘composite plan component’ for
12 ‘composite plan’.

13 “(3) ELIGIBLE TO ACCRUE A BENEFIT.—For
14 purposes of paragraph (1), an employee is consid-
15 ered eligible to accrue a benefit under a composite
16 plan as of the first day in which the employee com-
17 pletes an hour of service under a collective bar-
18 gaining agreement that provides for contributions to
19 and accruals under the composite plan in lieu of ac-
20 cruals under the legacy plan.

21 “(4) COLLECTIVE BARGAINING AGREEMENT.—
22 As used in this part, the term ‘collective bargaining
23 agreement’ includes any agreement under which an
24 employer has an obligation to contribute to a plan.

1 “(5) OTHER TERMS.—Any term used in this
2 part which is not defined in this part and which is
3 also used in section 305 shall have the same mean-
4 ing provided such term in such section.

5 “(b) RESTRICTIONS ON ACCEPTANCE BY COMPOSITE
6 PLAN OF AGREEMENTS AND CONTRIBUTIONS.—

7 “(1) IN GENERAL.—The plan sponsor of a com-
8 posite plan shall not accept or recognize a collective
9 bargaining agreement (or any modification to such
10 agreement), and no contributions may be accepted
11 and no benefits may be accrued or otherwise earned
12 under the agreement—

13 “(A) in any case in which the plan actuary
14 of any defined benefit plan that would be treat-
15 ed as a legacy plan with respect to such com-
16 posite plan has certified under section
17 305(b)(3) that such defined benefit plan is or
18 will be in critical status for the plan year in
19 which such agreement would take effect or for
20 any of the succeeding 5 plan years; and

21 “(B) unless the agreement requires each
22 employer who is a party to such agreement, in-
23 cluding employers whose employees are not par-
24 ticipants in the legacy plan, to provide contribu-
25 tions to the legacy plan with respect to such

1 composite plan in a manner that satisfies the
2 transition contribution requirements of sub-
3 section (d).

4 “(2) NOTICE.—Not later than 30 days after a
5 determination by a plan sponsor of a composite plan
6 that an agreement fails to satisfy the requirements
7 described in paragraph (1), the plan sponsor shall
8 provide notification of such failure and the reasons
9 for such determination—

10 “(A) to the parties to the agreement;

11 “(B) to active participants of the com-
12 posite plan who have ceased to accrue or other-
13 wise earn benefits with respect to service with
14 an employer pursuant to paragraph (1); and

15 “(C) to the Secretary, the Secretary of the
16 Treasury, and the Pension Benefit Guaranty
17 Corporation.

18 “(3) LIMITATION ON RETROACTIVE EFFECT.—
19 This subsection shall not apply to benefits accrued
20 before the date on which notice is provided under
21 paragraph (2).

22 “(c) RESTRICTION ON ACCRUAL OF BENEFITS
23 UNDER A COMPOSITE PLAN.—

24 “(1) IN GENERAL.—In any case in which an
25 employer, under a collective bargaining agreement

1 entered into after the date of enactment of the Giv-
2 ing Retirement Options to Workers Act of 2020,
3 ceases to have an obligation to contribute to a multi-
4 employer defined benefit plan, no employees em-
5 ployed by the employer may accrue or otherwise earn
6 benefits under any composite plan, with respect to
7 service with that employer, for a 60-month period
8 beginning on the date on which the employer entered
9 into such collective bargaining agreement.

10 “(2) NOTICE OF CESSATION OF OBLIGATION.—

11 Within 30 days of determining that an employer has
12 ceased to have an obligation to contribute to a leg-
13 acy plan with respect to employees employed by an
14 employer that is or will be contributing to a com-
15 posite plan with respect to service of such employees,
16 the plan sponsor of the legacy plan shall notify the
17 plan sponsor of the composite plan of that cessation.

18 “(3) NOTICE OF CESSATION OF ACCRUALS.—

19 Not later than 30 days after determining that an
20 employer has ceased to have an obligation to con-
21 tribute to a legacy plan, the plan sponsor of the
22 composite plan shall notify the bargaining parties,
23 the active participants affected by the cessation of
24 accruals, the Secretary, the Secretary of the Treas-
25 ury, and the Pension Benefit Guaranty Corporation

1 of the cessation of accruals, the period during which
2 such cessation is in effect, and the reasons therefor.

3 “(4) LIMITATION ON RETROACTIVE EFFECT.—

4 This subsection shall not apply to benefits accrued
5 before the date on which notice is provided under
6 paragraph (3).

7 “(d) TRANSITION CONTRIBUTION REQUIREMENTS.—

8 “(1) IN GENERAL.—A collective bargaining
9 agreement satisfies the transition contribution re-
10 quirements of this subsection if the agreement—

11 “(A) authorizes payment of contributions
12 to a legacy plan at a rate or rates equal to or
13 greater than the transition contribution rate es-
14 tablished by the legacy plan under paragraph
15 (2); and

16 “(B) does not provide for—

17 “(i) a suspension of contributions to
18 the legacy plan with respect to any period
19 of service; or

20 “(ii) any new direct or indirect exclu-
21 sion of younger or newly hired employees
22 of the employer from being taken into ac-
23 count in determining contributions owed to
24 the legacy plan.

25 “(2) TRANSITION CONTRIBUTION RATE.—

1 “(A) IN GENERAL.—The transition con-
2 tribution rate for a plan year is the contribution
3 rate that, as certified by the actuary of the leg-
4 acy plan in accordance with the principles in
5 section 305(b)(3)(B), is reasonably expected to
6 be adequate—

7 “(i) to fund the normal cost for the
8 plan year;

9 “(ii) to amortize the plan’s unfunded
10 liabilities in level annual installments over
11 25 years, beginning with the plan year in
12 which the transition contribution rate is
13 first established; and

14 “(iii) to amortize any subsequent
15 changes in the legacy plan’s unfunded li-
16 ability due to experience gains or losses
17 (including investment gains or losses, gains
18 or losses due to contributions greater or
19 less than the contributions made under the
20 prior transition contribution rate, and
21 other actuarial gains or losses), changes in
22 actuarial assumptions, changes to the leg-
23 acy plan’s benefits, or changes in funding
24 method over a period of 15 plan years be-

1 ginning with the plan year in which such
2 change in unfunded liability is incurred.

3 The transition contribution rate for any plan
4 year may not be less than the transition con-
5 tribution rate for the plan year in which such
6 rate is first established.

7 “(B) MULTIPLE RATES.—If different rates
8 of contribution are payable to the legacy plan
9 by different employers or for different classes of
10 employees, the certification shall specify a tran-
11 sition contribution rate for each such employer.

12 “(C) RATE APPLICABLE TO EMPLOYER.—

13 “(i) IN GENERAL.—Except as pro-
14 vided by clause (ii), the transition con-
15 tribution rate applicable to an employer for
16 a plan year is the rate in effect for the
17 plan year of the legacy plan that com-
18 mences on or after 180 days before the
19 earlier of—

20 “(I) the effective date of the col-
21 lective bargaining agreement pursuant
22 to which the employer contributes to
23 the legacy plan; or

24 “(II) 5 years after the last plan
25 year for which the transition contribu-

1 tion rate applicable to the employer
2 was established or updated.

3 “(ii) EXCEPTION.—The transition
4 contribution rate applicable to an employer
5 for the first plan year beginning on or
6 after the commencement of the employer’s
7 obligation to contribute to the composite
8 plan is the rate in effect for the plan year
9 of the legacy plan that commences on or
10 after 180 days before such first plan year.

11 “(D) EFFECT OF LEGACY PLAN FINANCIAL
12 CIRCUMSTANCES.—If the plan actuary of the
13 legacy plan has certified under section 305 that
14 the plan is in endangered or critical status for
15 a plan year, the transition contribution rate for
16 the following plan year is the rate determined
17 with respect to the employer under the legacy
18 plan’s funding improvement or rehabilitation
19 plan under section 305, if greater than the rate
20 otherwise determined, but in no event greater
21 than 75 percent of the sum of the contribution
22 rates applicable to the legacy plan and the com-
23 posite plan for the plan year.

24 “(E) OTHER ACTUARIAL ASSUMPTIONS
25 AND METHODS.—Except as provided in sub-

1 paragraph (A), the determination of the transi-
2 tion contribution rate for a plan year shall be
3 based on actuarial assumptions and methods
4 consistent with the minimum funding deter-
5 minations made under section 304 (or, if appli-
6 cable, section 305) with respect to the legacy
7 plan for the plan year.

8 “(F) ADJUSTMENTS IN RATE.—The plan
9 sponsor of a legacy plan from time to time may
10 adjust the transition contribution rate or rates
11 applicable to an employer under this paragraph
12 by increasing some rates and decreasing others
13 if the actuary certifies that such adjusted rates
14 in combination will produce projected contribu-
15 tion income for the plan year beginning on or
16 after the date of certification that is not less
17 than would be produced by the transition con-
18 tribution rates in effect at the time of the cer-
19 tification.

20 “(G) NOTICE OF TRANSITION CONTRIBU-
21 TION RATE.—The plan sponsor of a legacy plan
22 shall provide notice to the parties to collective
23 bargaining agreements pursuant to which con-
24 tributions are made to the legacy plan of
25 changes to the transition contribution rate re-

1 quirements at least 30 days before the begin-
2 ning of the plan year for which the rate is effec-
3 tive.

4 “(H) NOTICE TO COMPOSITE PLAN SPON-
5 SOR.—Not later than 30 days after a deter-
6 mination by the plan sponsor of a legacy plan
7 that a collective bargaining agreement provides
8 for a rate of contributions that is below the
9 transition contribution rate applicable to one or
10 more employers that are parties to the collective
11 bargaining agreement, the plan sponsor of the
12 legacy plan shall notify the plan sponsor of any
13 composite plan under which employees of such
14 employer would otherwise be eligible to accrue
15 a benefit.

16 “(3) CORRECTION PROCEDURES.—Pursuant to
17 standards prescribed by the Secretary, the plan
18 sponsor of a composite plan shall adopt rules and
19 procedures that give the parties to the collective bar-
20 gaining agreement notice of the failure of such
21 agreement to satisfy the transition contribution re-
22 quirements of this subsection, and a reasonable op-
23 portunity to correct such failure, not to exceed 180
24 days from the date of notice given under subsection
25 (b)(2).

1 “(4) SUPPLEMENTAL CONTRIBUTIONS.—A col-
2 lective bargaining agreement may provide for supple-
3 mental contributions to the legacy plan for a plan
4 year in excess of the transition contribution rate de-
5 termined under paragraph (2), regardless of whether
6 the legacy plan is in endangered or critical status for
7 such plan year.

8 “(e) NONAPPLICATION OF COMPOSITE PLAN RE-
9 STRICTIONS.—

10 “(1) IN GENERAL.—The provisions of sub-
11 sections (a), (b), and (c) shall not apply with respect
12 to a collective bargaining agreement, to the extent
13 the agreement, or a predecessor agreement, provides
14 or provided for contributions to a defined benefit
15 plan that is a legacy plan, as of the first day of the
16 first plan year following a plan year for which the
17 plan actuary certifies that the plan is fully funded,
18 has been fully funded for at least three out of the
19 immediately preceding 5 plan years, and is projected
20 to remain fully funded for at least the following 4
21 plan years.

22 “(2) DETERMINATION OF FULLY FUNDED.—A
23 plan is fully funded for purposes of paragraph (1)
24 if, as of the valuation date of the plan for a plan
25 year, the value of the plan’s assets equals or exceeds

1 the present value of the plan’s liabilities, determined
2 in accordance with the rules prescribed by the Pen-
3 sion Benefit Guaranty Corporation under sections
4 4219(e)(1)(D) and 4281 for multiemployer plans
5 terminating by mass withdrawal, as in effect for the
6 date of the determination, except the plan’s reason-
7 able assumption regarding the starting date of bene-
8 fits may be used.

9 “(3) OTHER APPLICABLE RULES.—Except as
10 provided in paragraph (2), actuarial determinations
11 and projections under this section shall be based on
12 the rules in section 305(b)(3) and section 802(b).

13 **“SEC. 806. MERGERS AND ASSET TRANSFERS OF COM-**
14 **POSITE PLANS.**

15 “(a) IN GENERAL.—Assets and liabilities of a com-
16 posite plan may only be merged with, or transferred to,
17 another plan if—

18 “(1) the other plan is a composite plan;

19 “(2) the plan or plans resulting from the merg-
20 er or transfer is a composite plan;

21 “(3) no participant’s accrued benefit or adjust-
22 able benefit is lower immediately after the trans-
23 action than it was immediately before the trans-
24 action; and

1 “(4) the value of the assets transferred in the
2 case of a transfer reasonably reflects the value of the
3 amounts contributed with respect to the participants
4 whose benefits are being transferred, adjusted for al-
5 locable distributions, investment gains and losses,
6 and administrative expenses.

7 “(b) LEGACY PLAN.—

8 “(1) IN GENERAL.—After a merger or transfer
9 involving a composite plan, the legacy plan with re-
10 spect to an employer that is obligated to contribute
11 to the resulting composite plan is the legacy plan
12 that applied to that employer immediately before the
13 merger or transfer.

14 “(2) MULTIPLE LEGACY PLANS.—If an em-
15 ployer is obligated to contribute to more than one
16 legacy plan with respect to employees eligible to ac-
17 crue benefits under more than one composite plan
18 and there is a merger or transfer of such legacy
19 plans, the transition contribution rate applicable to
20 the legacy plan resulting from the merger or trans-
21 fer with respect to that employer shall be determined
22 in accordance with the provisions of section
23 805(d)(2)(B).”.

24 “(2) PENALTIES.—

1 (A) CIVIL ENFORCEMENT OF FAILURE TO
2 COMPLY WITH REALIGNMENT PROGRAM.—Sec-
3 tion 502(a) of such Act (29 U.S.C. 1132(a)) is
4 amended—

5 (i) in paragraph (10), by striking “or”
6 at the end;

7 (ii) in paragraph (11), by striking the
8 period at the end and inserting “; or”; and

9 (iii) by adding at the end the fol-
10 lowing:

11 “(12) in the case of a composite plan required
12 to adopt a realignment program under section 803,
13 if the plan sponsor—

14 “(A) has not adopted a realignment pro-
15 gram under that section by the deadline estab-
16 lished in such section; or

17 “(B) fails to update or comply with the
18 terms of the realignment program in accordance
19 with the requirements of such section,

20 by the Secretary, by an employer that has an obliga-
21 tion to contribute with respect to the composite plan,
22 or by an employee organization that represents ac-
23 tive participants in the composite plan, for an order
24 compelling the plan sponsor to adopt a realignment
25 program, or to update or comply with the terms of

1 the realignment program, in accordance with the re-
2 quirements of such section and the realignment pro-
3 gram.”.

4 (B) CIVIL PENALTIES.—Section 502(c) of
5 such Act (29 U.S.C. 1132(c)) is amended—

6 (i) by moving paragraphs (8), (10),
7 and (12) each 2 ems to the left;

8 (ii) by redesignating paragraphs (9)
9 through (12) as paragraphs (12) through
10 (15), respectively; and

11 (iii) by inserting after paragraph (8)
12 the following:

13 “(9) The Secretary may assess against any plan
14 sponsor of a composite plan a civil penalty of not
15 more than \$1,100 per day for each violation by such
16 sponsor—

17 “(A) of the requirement under section
18 802(a) on the plan actuary to certify the plan’s
19 current or projected funded ratio by the date
20 specified in such subsection; or

21 “(B) of the requirement under section 803
22 to adopt a realignment program by the deadline
23 established in that section and to comply with
24 its terms.

1 “(10)(A) The Secretary may assess against any
2 plan sponsor of a composite plan a civil penalty of
3 not more than \$100 per day for each violation by
4 such sponsor of the requirement under section
5 803(b) to provide notice as described in such section,
6 except that no penalty may be assessed in any case
7 in which the plan sponsor exercised reasonable dili-
8 gence to meet the requirements of such section
9 and—

10 “(i) the plan sponsor did not know that the
11 violation existed; or

12 “(ii) the plan sponsor provided such notice
13 during the 30-day period beginning on the first
14 date on which the plan sponsor knew, or in ex-
15 ercising reasonable due diligence should have
16 known, that such violation existed.

17 “(B) In any case in which the plan sponsor ex-
18 ercised reasonable diligence to meet the require-
19 ments of section 803(b)—

20 “(i) the total penalty assessed under this
21 paragraph against such sponsor for a plan year
22 may not exceed \$500,000; and

23 “(ii) the Secretary may waive part or all of
24 such penalty to the extent that the payment of

1 such penalty would be excessive or otherwise in-
2 equitable relative to the violation involved.

3 “(11) The Secretary may assess against any
4 plan sponsor of a composite plan a civil penalty of
5 not more than \$100 per day for each violation by
6 such sponsor of the notice requirements under sec-
7 tions 801(b)(5) and 805(b)(2).”.

8 (3) CONFORMING AMENDMENT.—The table of
9 contents in section 1 of such Act (29 U.S.C. 1001
10 note) is amended by inserting after the item relating
11 to section 734 the following:

 “PART 8—COMPOSITE PLANS AND LEGACY PLANS

 “Sec. 801. Composite plan defined.

 “Sec. 802. Funded ratios; actuarial assumptions.

 “Sec. 803. Realignment program.

 “Sec. 804. Limitation on increasing benefits.

 “Sec. 805. Composite plan restrictions to preserve legacy plan funding.

 “Sec. 806. Mergers and asset transfers of composite plans.”.

12 (b) AMENDMENT TO THE INTERNAL REVENUE CODE
13 OF 1986.—

14 (1) IN GENERAL.—Part III of subchapter D of
15 chapter 1 of the Internal Revenue Code of 1986 is
16 amended by adding at the end the following:

17 **“Subpart C—Composite Plans and Legacy Plans**

 “Sec. 437. Composite plan defined.

 “Sec. 438. Funded ratios; actuarial assumptions.

 “Sec. 439. Realignment program.

 “Sec. 440. Limitation on increasing benefits.

 “Sec. 440A. Composite plan restrictions to preserve legacy plan funding.

 “Sec. 440B. Mergers and asset transfers of composite plans.

1 **“SEC. 437. COMPOSITE PLAN DEFINED.**

2 “(a) IN GENERAL.—For purposes of this title, the
3 term ‘composite plan’ means a pension plan—

4 “(1) which is a multiemployer plan that is nei-
5 ther a defined benefit plan nor a defined contribu-
6 tion plan,

7 “(2) the terms of which provide that the plan
8 is a composite plan for purposes of this title with re-
9 spect to which not more than one multiemployer de-
10 fined benefit plan is treated as a legacy plan within
11 the meaning of section 440A, unless there is more
12 than one legacy plan following a merger of composite
13 plans under section 440B,

14 “(3) which provides systematically for the pay-
15 ment of benefits—

16 “(A) objectively calculated pursuant to a
17 formula enumerated in the plan document with
18 respect to plan participants after retirement,
19 for life, and

20 “(B) in the form of life annuities, except
21 for benefits which under section 411(a)(11)
22 may be immediately distributed without the
23 consent of the participant,

24 “(4) for which the plan contributions for the
25 first plan year are at least 120 percent of the nor-
26 mal cost for the plan year,

1 “(5) which requires—

2 “(A) an annual valuation of the liability of
3 the plan as of a date within the plan year to
4 which the valuation refers or within one month
5 prior to the beginning of such year,

6 “(B) an annual actuarial determination of
7 the plan’s current funded ratio and projected
8 funded ratio under section 438(a),

9 “(C) corrective action through a realign-
10 ment program pursuant to section 439 when-
11 ever the plan’s projected funded ratio is below
12 120 percent for the plan year, and

13 “(D) an annual notification to each partici-
14 pant describing the participant’s benefits under
15 the plan and explaining that such benefits may
16 be subject to reduction under a realignment
17 program pursuant to section 439 based on the
18 plan’s funded status in future plan years, and

19 “(6) the board of trustees of which includes at
20 least one retiree or beneficiary in pay status during
21 each plan year following the first plan year in which
22 at least 5 percent of the participants in the plan are
23 retirees or beneficiaries in pay status.

24 “(b) TRANSITION FROM A MULTIEMPLOYER DE-
25 FINED BENEFIT PLAN.—

1 “(1) IN GENERAL.—The plan sponsor of a de-
2 fined benefit plan that is a multiemployer plan may,
3 subject to paragraph (2), amend the plan to incor-
4 porate the features of a composite plan as a compo-
5 nent of the multiemployer plan separate from the
6 defined benefit plan component, except in the case of
7 a defined benefit plan for which the plan actuary has
8 certified under section 432(b)(3) that the plan is or
9 will be in critical status for the plan year in which
10 such amendment would become effective or for any
11 of the succeeding 5 plan years.

12 “(2) REQUIREMENTS.—Any amendment pursu-
13 ant to paragraph (1) to incorporate the features of
14 a composite plan as a component of a multiemployer
15 plan shall—

16 “(A) apply with respect to all collective
17 bargaining agreements providing for contribu-
18 tions to the multiemployer plan on or after the
19 effective date of the amendment,

20 “(B) apply with respect to all participants
21 in the multiemployer plan for whom contribu-
22 tions are made to the multiemployer plan on or
23 after the effective date of the amendment,

24 “(C) specify that the effective date of the
25 amendment is—

1 “(i) the first day of a specified plan
2 year following the date of the adoption of
3 the amendment, except that the plan spon-
4 sor may alternatively provide for a sepa-
5 rate effective date with respect to each col-
6 lective bargaining agreement under which
7 contributions to the multiemployer plan
8 are required, which shall occur on the first
9 day of the first plan year beginning after
10 the termination, or if earlier, the re-open-
11 ing, of each such agreement, or such ear-
12 lier date as the parties to the agreement
13 and the plan sponsor of the multiemployer
14 plan shall agree to, and

15 “(ii) not later than the first day of the
16 fifth plan year beginning on or after the
17 date of the adoption of the amendment,

18 “(D) specify that, as of the amendment’s
19 effective date, no further benefits shall accrue
20 under the defined benefit component of the
21 multiemployer plan, and

22 “(E) specify that, as of the amendment’s
23 effective date, the plan sponsor of the multiem-
24 ployer plan shall be the plan sponsor of both

1 the composite plan component and the defined
2 benefit plan component of the plan.

3 “(3) SPECIAL RULES.—If a multiemployer plan
4 is amended pursuant to paragraph (1)—

5 “(A) the requirements of this title shall be
6 applied to the composite plan component and
7 the defined benefit plan component of the mul-
8 tiemployer plan as if each such component were
9 maintained as a separate plan, and

10 “(B) the assets of the composite plan com-
11 ponent and the defined benefit plan component
12 of the plan shall be held in a single trust form-
13 ing part of the plan under which the trust in-
14 strument expressly provides—

15 “(i) for separate accounts (and appro-
16 priate records) to be maintained to reflect
17 the interest which each of the plan compo-
18 nents has in the trust, including separate
19 accounting for additions to the trust for
20 the benefit of each plan component, dis-
21 bursements made from each plan compo-
22 nent’s account in the trust, investment ex-
23 perience of the trust allocable to that ac-
24 count, and administrative expenses (wheth-
25 er direct expenses or shared expenses allo-

1 cated proportionally), and permits, but
2 does not require, the pooling of some or all
3 of the assets of the two plan components
4 for investment purposes, and

5 “(ii) that the assets of each of the two
6 plan components shall be held, invested,
7 reinvested, managed, administered and dis-
8 tributed for the exclusive benefit of the
9 participants and beneficiaries of each such
10 plan component, and in no event shall the
11 assets of one of the plan components be
12 available to pay benefits due under the
13 other plan component.

14 “(4) NOT A TERMINATION EVENT.—Notwith-
15 standing section 4041A of the Employee Retirement
16 Income Security Act of 1974, an amendment pursu-
17 ant to paragraph (1) to incorporate the features of
18 a composite plan as a component of a multiemployer
19 plan does not constitute termination of the multiem-
20 ployer plan.

21 “(5) NOTICE TO THE SECRETARY.—

22 “(A) NOTICE.—The plan sponsor of a
23 composite plan shall provide notice to the Sec-
24 retary of the intent to establish the composite
25 plan (or, in the case of a composite plan incor-

1 porated as a component of a multiemployer
2 plan as described in paragraph (1), the intent
3 to amend the multiemployer plan to incorporate
4 such composite plan) at least 30 days prior to
5 the effective date of such establishment or
6 amendment.

7 “(B) CERTIFICATION.—In the case of a
8 composite plan incorporated as a component of
9 a multiemployer plan as described in paragraph
10 (1), such notice shall include a certification by
11 the plan actuary under section 432(b)(3) that
12 the effective date of the amendment occurs in
13 a plan year for which the multiemployer plan is
14 not in critical status for that plan year and any
15 of the succeeding 5 plan years.

16 “(6) REFERENCES TO COMPOSITE PLAN COM-
17 PONENT.—As used in this subpart, the term ‘com-
18 posite plan’ includes a composite plan component
19 added to a defined benefit plan pursuant to para-
20 graph (1).

21 “(7) RULE OF CONSTRUCTION.—Paragraph
22 (2)(A) shall not be construed as preventing the plan
23 sponsor of a multiemployer plan from adopting an
24 amendment pursuant to paragraph (1) because some
25 collective bargaining agreements are amended to

1 cease any covered employer’s obligation to contribute
2 to the multiemployer plan before or after the plan
3 amendment is effective. Paragraph (2)(B) shall not
4 be construed as preventing the plan sponsor of a
5 multiemployer plan from adopting an amendment
6 pursuant to paragraph (1) because some partici-
7 pants cease to have contributions made to the multi-
8 employer plan on their behalf before or after the
9 plan amendment is effective.

10 “(c) COORDINATION WITH FUNDING RULES.—Ex-
11 cept as otherwise provided in this title, sections 412, 431,
12 and 432 shall not apply to a composite plan.

13 “(d) TREATMENT OF A COMPOSITE PLAN.—For pur-
14 poses of this title (other than sections 412 and 418E),
15 a composite plan shall be treated as if it were a defined
16 benefit plan unless a different treatment is provided for
17 under applicable law.

18 **“SEC. 438. FUNDED RATIOS; ACTUARIAL ASSUMPTIONS.**

19 “(a) CERTIFICATION OF FUNDED RATIOS.—

20 “(1) IN GENERAL.—Not later than the one-
21 hundred twentieth day of each plan year of a com-
22 posite plan, the plan actuary of the composite plan
23 shall certify to the Secretary, the Secretary of
24 Labor, and the plan sponsor the plan’s current fund-

1 ed ratio and projected funded ratio for the plan
2 year.

3 “(2) DETERMINATION OF CURRENT FUNDED
4 RATIO AND PROJECTED FUNDED RATIO.—For pur-
5 poses of this section—

6 “(A) CURRENT FUNDED RATIO.—The cur-
7 rent funded ratio is the ratio (expressed as a
8 percentage) of—

9 “(i) the value of the plan’s assets as
10 of the first day of the plan year, to

11 “(ii) the plan actuary’s best estimate
12 of the present value of the plan liabilities
13 as of the first day of the plan year.

14 “(B) PROJECTED FUNDED RATIO.—The
15 projected funded ratio is the current funded
16 ratio projected to the first day of the fifteenth
17 plan year following the plan year for which the
18 determination is being made.

19 “(3) CONSIDERATION OF CONTRIBUTION RATE
20 INCREASES.—For purposes of projections under this
21 subsection, the plan sponsor may anticipate con-
22 tribution rate increases beyond the term of the cur-
23 rent collective bargaining agreement and any agreed-
24 to supplements, up to a maximum of 2.5 percent per
25 year, compounded annually, unless it would be un-

1 reasonable under the circumstances to assume that
2 contributions would increase by that amount.

3 “(b) ACTUARIAL ASSUMPTIONS AND METHODS.—

4 For purposes of this part—

5 “(1) IN GENERAL.—All costs, liabilities, rates
6 of interest, and other factors under the plan shall be
7 determined for a plan year on the basis of actuarial
8 assumptions and methods—

9 “(A) each of which is reasonable (taking
10 into account the experience of the plan and rea-
11 sonable expectations),

12 “(B) which, in combination, offer the actu-
13 ary’s best estimate of anticipated experience
14 under the plan, and

15 “(C) with respect to which any change
16 from the actuarial assumptions and methods
17 used in the previous plan year shall be certified
18 by the plan actuary and the actuarial rationale
19 for such change provided in the annual report
20 required by section 6058.

21 “(2) FAIR MARKET VALUE OF ASSETS.—The
22 value of the plan’s assets shall be taken into account
23 on the basis of their fair market value.

24 “(3) DETERMINATION OF NORMAL COST AND
25 PLAN LIABILITIES.—A plan’s normal cost and liabil-

1 ities shall be based on the most recent actuarial
2 valuation required under section 437(a)(5)(A) and
3 the unit credit funding method.

4 “(4) TIME WHEN CERTAIN CONTRIBUTIONS
5 DEEMED MADE.—Any contributions for a plan year
6 made by an employer after the last day of such plan
7 year, but not later than two and one-half months
8 after such day, shall be deemed to have been made
9 on such last day. For purposes of this paragraph,
10 such two and one-half month period may be ex-
11 tended for not more than six months under regula-
12 tions prescribed by the Secretary.

13 “(5) ADDITIONAL ACTUARIAL ASSUMPTIONS.—
14 Except where otherwise provided in this subpart, the
15 provisions of section 432(b)(3)(B) shall apply to any
16 determination or projection under this subpart.

17 **“SEC. 439. REALIGNMENT PROGRAM.**

18 “(a) REALIGNMENT PROGRAM.—

19 “(1) ADOPTION.—In any case in which the plan
20 actuary certifies under section 438(a) that the plan’s
21 projected funded ratio is below 120 percent for the
22 plan year, the plan sponsor shall adopt a realign-
23 ment program under paragraph (2) not later than
24 210 days after the due date of the certification re-
25 quired under section 438(a). The plan sponsor shall

1 adopt an updated realignment program for each suc-
2 ceeding plan year for which a certification described
3 in the preceding sentence is made.

4 “(2) CONTENT OF REALIGNMENT PROGRAM.—

5 “(A) IN GENERAL.—A realignment pro-
6 gram adopted under this paragraph is a written
7 program which consists of all reasonable meas-
8 ures, including options or a range of options to
9 be undertaken by the plan sponsor or proposed
10 to the bargaining parties, formulated, based on
11 reasonably anticipated experience and reason-
12 able actuarial assumptions, to enable the plan
13 to achieve a projected funded ratio of at least
14 120 percent for the following plan year.

15 “(B) INITIAL PROGRAM ELEMENTS.—Rea-
16 sonable measures under a realignment program
17 described in subparagraph (A) may include any
18 of the following:

19 “(i) Proposed contribution increases.

20 “(ii) A reduction in the rate of future
21 benefit accruals, so long as the resulting
22 rate shall not be less than 1 percent of the
23 contributions on which benefits are based
24 as of the start of the plan year (or the

1 equivalent standard accrual rate as de-
2 scribed in section 432(e)(6)).

3 “(iii) A modification or elimination of
4 adjustable benefits of participants that are
5 not in pay status before the date of the no-
6 tice required under subsection (b)(1).

7 “(iv) Any other legally available meas-
8 ures not specifically described in this sub-
9 paragraph or subparagraph (C) or (D)
10 that the plan sponsor determines are rea-
11 sonable.

12 “(C) ADDITIONAL PROGRAM ELEMENTS.—
13 If the plan sponsor has determined that all rea-
14 sonable measures available under subparagraph
15 (B) will not enable the plan to achieve a pro-
16 jected funded ratio of at least 120 percent the
17 following plan year, such reasonable measures
18 may also include—

19 “(i) a reduction of accrued benefits
20 that are not in pay status by the date of
21 the notice required under subsection
22 (b)(1), or

23 “(ii) a reduction of any benefits of
24 participants that are in pay status before
25 the date of the notice required under sub-

1 section (b)(1) other than core benefits as
2 defined in paragraph (4).

3 “(D) ADDITIONAL REDUCTIONS.—In the
4 case of a composite plan for which the plan
5 sponsor has determined that all reasonable
6 measures available under subparagraphs (B)
7 and (C) will not enable the plan to achieve a
8 projected funded ratio of at least 120 percent
9 for the following plan year, such reasonable
10 measures may also include—

11 “(i) a further reduction in the rate of
12 future benefit accruals without regard to
13 the limitation applicable under subpara-
14 graph (B)(ii), or

15 “(ii) a reduction of core benefits,
16 provided that such reductions shall be equitably
17 distributed across the participant and bene-
18 ficiary population, taking into account factors,
19 with respect to participants and beneficiaries
20 and their benefits, that may include one or
21 more of the factors listed in subclauses (I)
22 through (X) of section 432(e)(9)(D)(vi), to the
23 extent necessary to enable the plan to achieve
24 a projected funded ratio of at least 120 percent
25 for the following plan year, or at the election of

1 the plan sponsor, a projected funded ratio of at
2 least 100 percent for the following plan year
3 and a current funded ratio of at least 90 per-
4 cent.

5 “(3) ADJUSTABLE BENEFIT DEFINED.—For
6 purposes of this subpart, the term ‘adjustable ben-
7 efit’ means—

8 “(A) benefits, rights, and features under
9 the plan, including post-retirement death bene-
10 fits, 60-month guarantees, disability benefits
11 not yet in pay status, and similar benefits,

12 “(B) any early retirement benefit or retire-
13 ment-type subsidy (within the meaning of sec-
14 tion 411(d)(6)(B)(i)) and any benefit payment
15 option (other than the qualified joint and sur-
16 vivor annuity), and

17 “(C) benefit increases that were adopted
18 (or, if later, took effect) less than 60 months
19 before the first day such realignment program
20 took effect.

21 “(4) CORE BENEFIT DEFINED.—For purposes
22 of this subpart, the term ‘core benefit’ means a par-
23 ticipant’s accrued benefit payable in the normal form
24 of an annuity commencing at normal retirement age,
25 determined without regard to—

1 “(A) any early retirement benefits, retire-
2 ment-type subsidies, or other benefits, rights, or
3 features that may be associated with that ben-
4 efit, and

5 “(B) any cost-of-living adjustments or ben-
6 efit increases effective after the date of retire-
7 ment.

8 “(5) COORDINATION WITH CONTRIBUTION IN-
9 CREASES.—

10 “(A) IN GENERAL.—A realignment pro-
11 gram may provide that some or all of the ben-
12 efit modifications described in the program will
13 only take effect if the bargaining parties fail to
14 agree to specified levels of increases in contribu-
15 tions to the plan, effective as of specified dates.

16 “(B) INDEPENDENT BENEFIT MODIFICA-
17 TIONS.—If a realignment program adopts any
18 changes to the benefit formula that are inde-
19 pendent of potential contribution increases,
20 such changes shall take effect not later than
21 180 days following the first day of the first
22 plan year that begins following the adoption of
23 the realignment program.

24 “(C) CONDITIONAL BENEFIT MODIFICA-
25 TIONS.—If a realignment program adopts any

1 changes to the benefit formula that take effect
2 only if the bargaining parties fail to agree to
3 contribution increases, such changes shall take
4 effect not later than the first day of the first
5 plan year beginning after the third anniversary
6 of the date of adoption of the realignment pro-
7 gram.

8 “(D) REVOCATION OF CERTAIN BENEFIT
9 MODIFICATIONS.—Benefit modifications de-
10 scribed in paragraph (3) may be revoked, in
11 whole or in part, and retroactively or prospec-
12 tively, when contributions to the plan are in-
13 creased, as specified in the realignment pro-
14 gram, including any amendments thereto. The
15 preceding sentence shall not apply unless the
16 contribution increases are to be effective not
17 later than the fifth anniversary of the first day
18 of the first plan year that begins after the
19 adoption of the realignment program.

20 “(b) NOTICE.—

21 “(1) IN GENERAL.—In any case in which it is
22 certified under section 438(a) that the projected
23 funded ratio is less than 120 percent, the plan spon-
24 sor shall, not later than 30 days after the date of
25 the certification, provide notification of the current

1 and projected funded ratios to the participants and
2 beneficiaries, the bargaining parties, and the Sec-
3 retary. Such notice shall include—

4 “(A) an explanation that contribution rate
5 increases or benefit reductions may be nec-
6 essary,

7 “(B) a description of the types of benefits
8 that might be reduced, and

9 “(C) an estimate of the contribution in-
10 creases and benefit reductions that may be nec-
11 essary to achieve a projected funded ratio of
12 120 percent.

13 “(2) NOTICE OF BENEFIT MODIFICATIONS.—

14 “(A) IN GENERAL.—No modifications may
15 be made that reduce the rate of future benefit
16 accrual or that reduce core benefits or adjust-
17 able benefits unless notice of such reduction has
18 been given at least 180 days before the general
19 effective date of such reduction for all partici-
20 pants and beneficiaries to—

21 “(i) plan participants and bene-
22 ficiaries,

23 “(ii) each employer who has an obliga-
24 tion to contribute to the composite plan,
25 and

1 “(iii) each employee organization
2 which, for purposes of collective bar-
3 gaining, represents plan participants em-
4 ployed by such employers.

5 “(B) CONTENT OF NOTICE.—The notice
6 under subparagraph (A) shall contain—

7 “(i) sufficient information to enable
8 participants and beneficiaries to under-
9 stand the effect of any reduction on their
10 benefits, including an illustration of any
11 affected benefit or subsidy, on an annual
12 or monthly basis that a participant or ben-
13 eficiary would otherwise have been eligible
14 for as of the general effective date de-
15 scribed in subparagraph (A), and

16 “(ii) information as to the rights and
17 remedies of plan participants and bene-
18 ficiaries as well as how to contact the De-
19 partment of Labor for further information
20 and assistance, where appropriate.

21 “(C) FORM AND MANNER.—Any notice
22 under subparagraph (A)—

23 “(i) shall be provided in a form and
24 manner prescribed in regulations of the
25 Secretary of Labor,

1 “(ii) shall be written in a manner so
2 as to be understood by the average plan
3 participant.

4 “(3) MODEL NOTICES.—The Secretary shall—

5 “(A) prescribe model notices that the plan
6 sponsor of a composite plan may use to satisfy
7 the notice requirements under this subsection,
8 and

9 “(B) by regulation enumerate any details
10 related to the elements listed in paragraph (1)
11 that any notice under this subsection must in-
12 clude.

13 “(4) DELIVERY METHOD.—Any notice under
14 this part shall be provided in writing and may also
15 be provided in electronic form to the extent that the
16 form is reasonably accessible to persons to whom the
17 notice is provided.

18 **“SEC. 440. LIMITATION ON INCREASING BENEFITS.**

19 “(a) LEVEL OF CURRENT FUNDED RATIOS.—Except
20 as provided in subsections (c), (d), and (e), no plan
21 amendment increasing benefits or establishing new bene-
22 fits under a composite plan may be adopted for a plan
23 year unless—

1 “(1) the plan’s current funded ratio is at least
2 110 percent (without regard to the benefit increase
3 or new benefits),

4 “(2) taking the benefit increase or new benefits
5 into account, the current funded ratio is at least 100
6 percent and the projected funded ratio for the cur-
7 rent plan year is at least 120 percent,

8 “(3) in any case in which, after taking the ben-
9 efit increase or new benefits into account, the cur-
10 rent funded ratio is less than 140 percent or the
11 projected funded ratio is less than 140 percent, the
12 benefit increase or new benefits are projected by the
13 plan actuary to increase the present value of the
14 plan’s liabilities for the plan year by not more than
15 3 percent, and

16 “(4) expected contributions for the current plan
17 year are at least 120 percent of normal cost for the
18 plan year, determined using the unit credit funding
19 method and treating the benefit increase or new ben-
20 efits as in effect for the entire plan year.

21 “(b) **ADDITIONAL REQUIREMENTS WHERE CORE**
22 **BENEFITS REDUCED.**—If a plan has been amended to re-
23 duce core benefits pursuant to a realignment program
24 under section 439(a)(2)(D), such plan may not be subse-

1 frequently amended to increase core benefits unless the
2 amendment—

3 “(1) increases the level of future benefit pay-
4 ments only, and

5 “(2) provides for an equitable distribution of
6 benefit increases across the participant and bene-
7 ficiary population, taking into account the extent to
8 which the benefits of participants were previously re-
9 duced pursuant to such realignment program.

10 “(c) EXCEPTION TO COMPLY WITH APPLICABLE
11 LAW.—Subsection (a) shall not apply in connection with
12 a plan amendment if the amendment is required as a con-
13 dition of qualification under part I of subchapter D of
14 chapter 1 or to comply with other applicable law.

15 “(d) EXCEPTION WHERE MAXIMUM DEDUCTIBLE
16 LIMIT APPLIES.—Subsection (a) shall not apply in con-
17 nection with a plan amendment if and to the extent that
18 contributions to the composite plan would not be deduct-
19 ible for the plan year under section 404(a)(1)(E) if the
20 plan amendment is not adopted. The Secretary of the
21 Treasury shall issue regulations to implement this para-
22 graph.

23 “(e) EXCEPTION FOR CERTAIN BENEFIT MODIFICA-
24 TIONS.—Subsection (a) shall not apply in connection with

1 a plan amendment under section 439(a)(5)(C), regarding
2 conditional benefit modifications.

3 “(f) TREATMENT OF PLAN AMENDMENTS.—For pur-
4 poses of this section—

5 “(1) if two or more plan amendments increas-
6 ing benefits or establishing new benefits are adopted
7 in a plan year, such amendments shall be treated as
8 a single amendment adopted on the last day of the
9 plan year,

10 “(2) all benefit increases and new benefits
11 adopted in a single amendment are treated as a sin-
12 gle benefit increase, irrespective of whether the in-
13 creases and new benefits take effect in more than
14 one plan year, and

15 “(3) increases in contributions or decreases in
16 plan liabilities which are scheduled to take effect in
17 future plan years may be taken into account in con-
18 nection with a plan amendment if they have been
19 agreed to in writing or otherwise formalized by the
20 date the plan amendment is adopted.

21 **“SEC. 440A. COMPOSITE PLAN RESTRICTIONS TO PRE-
22 SERVE LEGACY PLAN FUNDING.**

23 “(a) TREATMENT AS A LEGACY PLAN.—

24 “(1) IN GENERAL.—For purposes of this sub-
25 chapter, a defined benefit plan shall be treated as a

1 legacy plan with respect to the composite plan under
2 which the employees who were eligible to accrue a
3 benefit under the defined benefit plan become eligi-
4 ble to accrue a benefit under such composite plan.

5 “(2) COMPONENT PLANS.—In any case in
6 which a defined benefit plan is amended to add a
7 composite plan component pursuant to section
8 437(b), paragraph (1) shall be applied by sub-
9 stituting ‘defined benefit component’ for ‘defined
10 benefit plan’ and ‘composite plan component’ for
11 ‘composite plan’.

12 “(3) ELIGIBLE TO ACCRUE A BENEFIT.—For
13 purposes of paragraph (1), an employee is consid-
14 ered eligible to accrue a benefit under a composite
15 plan as of the first day in which the employee com-
16 pletes an hour of service under a collective bar-
17 gaining agreement that provides for contributions to
18 and accruals under the composite plan in lieu of ac-
19 cruals under the legacy plan.

20 “(4) COLLECTIVE BARGAINING AGREEMENT.—
21 As used in this subpart, the term ‘collective bar-
22 gaining agreement’ includes any agreement under
23 which an employer has an obligation to contribute to
24 a plan.

1 “(5) OTHER TERMS.—Any term used in this
2 subpart which is not defined in this part and which
3 is also used in section 432 shall have the same
4 meaning provided such term in such section.

5 “(b) RESTRICTIONS ON ACCEPTANCE BY COMPOSITE
6 PLAN OF AGREEMENTS AND CONTRIBUTIONS.—

7 “(1) IN GENERAL.—The plan sponsor of a com-
8 posite plan shall not accept or recognize a collective
9 bargaining agreement (or any modification to such
10 agreement), and no contributions may be accepted
11 and no benefits may be accrued or otherwise earned
12 under the agreement—

13 “(A) in any case in which the plan actuary
14 of any defined benefit plan that would be treat-
15 ed as a legacy plan with respect to such com-
16 posite plan has certified under section
17 432(b)(3) that such defined benefit plan is or
18 will be in critical status for the plan year in
19 which such agreement would take effect or for
20 any of the succeeding 5 plan years, and

21 “(B) unless the agreement requires each
22 employer who is a party to such agreement, in-
23 cluding employers whose employees are not par-
24 ticipants in the legacy plan, to provide contribu-
25 tions to the legacy plan with respect to such

1 composite plan in a manner that satisfies the
2 transition contribution requirements of sub-
3 section (d).

4 “(2) NOTICE.—Not later than 30 days after a
5 determination by a plan sponsor of a composite plan
6 that an agreement fails to satisfy the requirements
7 described in paragraph (1), the plan sponsor shall
8 provide notification of such failure and the reasons
9 for such determination to—

10 “(A) the parties to the agreement,

11 “(B) active participants of the composite
12 plan who have ceased to accrue or otherwise
13 earn benefits with respect to service with an
14 employer pursuant to paragraph (1), and

15 “(C) the Secretary of Labor, the Secretary
16 of the Treasury, and the Pension Benefit Guar-
17 anty Corporation.

18 “(3) LIMITATION ON RETROACTIVE EFFECT.—
19 This subsection shall not apply to benefits accrued
20 before the date on which notice is provided under
21 paragraph (2).

22 “(c) RESTRICTION ON ACCRUAL OF BENEFITS
23 UNDER A COMPOSITE PLAN.—

24 “(1) IN GENERAL.—In any case in which an
25 employer, under a collective bargaining agreement

1 entered into after the date of enactment of the Giv-
2 ing Retirement Options to Workers Act of 2020,
3 ceases to have an obligation to contribute to a multi-
4 employer defined benefit plan, no employees em-
5 ployed by the employer may accrue or otherwise earn
6 benefits under any composite plan, with respect to
7 service with that employer, for a 60-month period
8 beginning on the date on which the employer entered
9 into such collective bargaining agreement.

10 “(2) NOTICE OF CESSATION OF OBLIGATION.—

11 Within 30 days of determining that an employer has
12 ceased to have an obligation to contribute to a leg-
13 acy plan with respect to employees employed by an
14 employer that is or will be contributing to a com-
15 posite plan with respect to service of such employees,
16 the plan sponsor of the legacy plan shall notify the
17 plan sponsor of the composite plan of that cessation.

18 “(3) NOTICE OF CESSATION OF ACCRUALS.—

19 Not later than 30 days after determining that an
20 employer has ceased to have an obligation to con-
21 tribute to a legacy plan, the plan sponsor of the
22 composite plan shall notify the bargaining parties,
23 the active participants affected by the cessation of
24 accruals, the Secretary, the Secretary of Labor, and
25 the Pension Benefit Guaranty Corporation of the

1 cessation of accruals, the period during which such
2 cessation is in effect, and the reasons therefor.

3 “(4) LIMITATION ON RETROACTIVE EFFECT.—

4 This subsection shall not apply to benefits accrued
5 before the date on which notice is provided under
6 paragraph (3).

7 “(d) TRANSITION CONTRIBUTION REQUIREMENTS.—

8 “(1) IN GENERAL.—A collective bargaining
9 agreement satisfies the transition contribution re-
10 quirements of this subsection if the agreement—

11 “(A) authorizes for payment of contribu-
12 tions to a legacy plan at a rate or rates equal
13 to or greater than the transition contribution
14 rate established under paragraph (2), and

15 “(B) does not provide for—

16 “(i) a suspension of contributions to
17 the legacy plan with respect to any period
18 of service, or

19 “(ii) any new direct or indirect exclu-
20 sion of younger or newly hired employees
21 of the employer from being taken into ac-
22 count in determining contributions owed to
23 the legacy plan.

24 “(2) TRANSITION CONTRIBUTION RATE.—

1 “(A) IN GENERAL.—The transition con-
2 tribution rate for a plan year is the contribution
3 rate that, as certified by the actuary of the leg-
4 acy plan in accordance with the principles in
5 section 432(b)(3)(B), is reasonably expected to
6 be adequate—

7 “(i) to fund the normal cost for the
8 plan year,

9 “(ii) to amortize the plan’s unfunded
10 liabilities in level annual installments over
11 25 years, beginning with the plan year in
12 which the transition contribution rate is
13 first established, and

14 “(iii) to amortize any subsequent
15 changes in the legacy plan’s unfunded li-
16 ability due to experience gains or losses
17 (including investment gains or losses, gains
18 or losses due to contributions greater or
19 less than the contributions made under the
20 prior transition contribution rate, and
21 other actuarial gains or losses), changes in
22 actuarial assumptions, changes to the leg-
23 acy plan’s benefits, or changes in funding
24 method over a period of 15 plan years be-

1 ginning with the plan year in which such
2 change in unfunded liability is incurred.

3 The transition contribution rate for any plan
4 year may not be less than the transition con-
5 tribution rate for the plan year in which such
6 rate is first established.

7 “(B) MULTIPLE RATES.—If different rates
8 of contribution are payable to the legacy plan
9 by different employers or for different classes of
10 employees, the certification shall specify a tran-
11 sition contribution rate for each such employer.

12 “(C) RATE APPLICABLE TO EMPLOYER.—

13 “(i) IN GENERAL.—Except as pro-
14 vided by clause (ii), the transition con-
15 tribution rate applicable to an employer for
16 a plan year is the rate in effect for the
17 plan year of the legacy plan that com-
18 mences on or after 180 days before the
19 earlier of—

20 “(I) the effective date of the col-
21 lective bargaining agreement pursuant
22 to which the employer contributes to
23 the legacy plan, or

24 “(II) 5 years after the last plan
25 year for which the transition contribu-

1 tion rate applicable to the employer
2 was established or updated.

3 “(ii) EXCEPTION.—The transition
4 contribution rate applicable to an employer
5 for the first plan year beginning on or
6 after the commencement of the employer’s
7 obligation to contribute to the composite
8 plan is the rate in effect for the plan year
9 of the legacy plan that commences on or
10 after 180 days before such first plan year.

11 “(D) EFFECT OF LEGACY PLAN FINANCIAL
12 CIRCUMSTANCES.—If the plan actuary of the
13 legacy plan has certified under section 432 that
14 the plan is in endangered or critical status for
15 a plan year, the transition contribution rate for
16 the following plan year is the rate determined
17 with respect to the employer under the legacy
18 plan’s funding improvement or rehabilitation
19 plan under section 432, if greater than the rate
20 otherwise determined, but in no event greater
21 than 75 percent of the sum of the contribution
22 rates applicable to the legacy plan and the com-
23 posite plan for the plan year.

24 “(E) OTHER ACTUARIAL ASSUMPTIONS
25 AND METHODS.—Except as provided in sub-

1 paragraph (A), the determination of the transi-
2 tion contribution rate for a plan year shall be
3 based on actuarial assumptions and methods
4 consistent with the minimum funding deter-
5 minations made under section 431 (or, if appli-
6 cable, section 432) with respect to the legacy
7 plan for the plan year.

8 “(F) ADJUSTMENTS IN RATE.—The plan
9 sponsor of a legacy plan from time to time may
10 adjust the transition contribution rate or rates
11 applicable to an employer under this paragraph
12 by increasing some rates and decreasing others
13 if the actuary certifies that such adjusted rates
14 in combination will produce projected contribu-
15 tion income for the plan year beginning on or
16 after the date of certification that is not less
17 than would be produced by the transition con-
18 tribution rates in effect at the time of the cer-
19 tification.

20 “(G) NOTICE OF TRANSITION CONTRIBU-
21 TION RATE.—The plan sponsor of a legacy plan
22 shall provide notice to the parties to collective
23 bargaining agreements pursuant to which con-
24 tributions are made to the legacy plan of
25 changes to the transition contribution rate re-

1 quirements at least 30 days before the begin-
2 ning of the plan year for which the rate is effec-
3 tive.

4 “(H) NOTICE TO COMPOSITE PLAN SPON-
5 SOR.—Not later than 30 days after a deter-
6 mination by the plan sponsor of a legacy plan
7 that a collective bargaining agreement provides
8 for a rate of contributions that is below the
9 transition contribution rate applicable to one or
10 more employers that are parties to the collective
11 bargaining agreement, the plan sponsor of the
12 legacy plan shall notify the plan sponsor of any
13 composite plan under which employees of such
14 employer would otherwise be eligible to accrue
15 a benefit.

16 “(3) CORRECTION PROCEDURES.—Pursuant to
17 standards prescribed by the Secretary of Labor, the
18 plan sponsor of a composite plan shall adopt rules
19 and procedures that give the parties to the collective
20 bargaining agreement notice of the failure of such
21 agreement to satisfy the transition contribution re-
22 quirements of this subsection, and a reasonable op-
23 portunity to correct such failure, not to exceed 180
24 days from the date of notice given under subsection
25 (b)(2).

1 “(4) SUPPLEMENTAL CONTRIBUTIONS.—A col-
2 lective bargaining agreement may provide for supple-
3 mental contributions to the legacy plan for a plan
4 year in excess of the transition contribution rate de-
5 termined under paragraph (2), regardless of whether
6 the legacy plan is in endangered or critical status for
7 such plan year.

8 “(e) NONAPPLICATION OF COMPOSITE PLAN RE-
9 STRICTIONS.—

10 “(1) IN GENERAL.—The provisions of sub-
11 sections (a), (b), and (c) shall not apply with respect
12 to a collective bargaining agreement, to the extent
13 the agreement, or a predecessor agreement, provides
14 or provided for contributions to a defined benefit
15 plan that is a legacy plan, as of the first day of the
16 first plan year following a plan year for which the
17 plan actuary certifies that the plan is fully funded,
18 has been fully funded for at least three out of the
19 immediately preceding 5 plan years, and is projected
20 to remain fully funded for at least the following 4
21 plan years.

22 “(2) DETERMINATION OF FULLY FUNDED.—A
23 plan is fully funded for purposes of paragraph (1)
24 if, as of the valuation date of the plan for a plan
25 year, the value of the plan’s assets equals or exceeds

1 the present value of the plan’s liabilities, determined
2 in accordance with the rules prescribed by the Pen-
3 sion Benefit Guaranty Corporation under sections
4 4219(e)(1)(D) and 4281 of Employee Retirement
5 Income and Security Act for multiemployer plans
6 terminating by mass withdrawal, as in effect for the
7 date of the determination, except the plan’s reason-
8 able assumption regarding the starting date of bene-
9 fits may be used.

10 “(3) OTHER APPLICABLE RULES.—Except as
11 provided in paragraph (2), actuarial determinations
12 and projections under this section shall be based on
13 the rules in section 432(b)(3) and section 438(b).

14 **“SEC. 440B. MERGERS AND ASSET TRANSFERS OF COM-**
15 **POSITE PLANS.**

16 “(a) IN GENERAL.—Assets and liabilities of a com-
17 posite plan may only be merged with, or transferred to,
18 another plan if—

19 “(1) the other plan is a composite plan,

20 “(2) the plan or plans resulting from the merg-
21 er or transfer is a composite plan,

22 “(3) no participant’s accrued benefit or adjust-
23 able benefit is lower immediately after the trans-
24 action than it was immediately before the trans-
25 action, and

1 “(4) the value of the assets transferred in the
2 case of a transfer reasonably reflects the value of the
3 amounts contributed with respect to the participants
4 whose benefits are being transferred, adjusted for al-
5 locable distributions, investment gains and losses,
6 and administrative expenses.

7 “(b) LEGACY PLAN.—

8 “(1) IN GENERAL.—After a merger or transfer
9 involving a composite plan, the legacy plan with re-
10 spect to an employer that is obligated to contribute
11 to the resulting composite plan is the legacy plan
12 that applied to that employer immediately before the
13 merger or transfer.

14 “(2) MULTIPLE LEGACY PLANS.—If an em-
15 ployer is obligated to contribute to more than one
16 legacy plan with respect to employees eligible to ac-
17 crue benefits under more than one composite plan
18 and there is a merger or transfer of such legacy
19 plans, the transition contribution rate applicable to
20 the legacy plan resulting from the merger or trans-
21 fer with respect to that employer shall be determined
22 in accordance with the provisions of section
23 440A(d)(2)(B).”.

24 “(2) CLERICAL AMENDMENT.—The table of sub-
25 parts for part III of subchapter D of chapter 1 of

1 the Internal Revenue Code of 1986 is amended by
2 adding at the end the following new item:

“SUBPART C. COMPOSITE PLANS AND LEGACY PLANS”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to plan years beginning after the
5 date of the enactment of this Act.

6 **SEC. 103. APPLICATION OF CERTAIN REQUIREMENTS TO**
7 **COMPOSITE PLANS.**

8 (a) AMENDMENTS TO THE EMPLOYEE RETIREMENT
9 INCOME SECURITY ACT OF 1974.—

10 (1) TREATMENT FOR PURPOSES OF FUNDING
11 NOTICES.—Section 101(f) of the Employee Retirement
12 Income Security Act of 1974 (29 U.S.C.
13 1021(f)) is amended—

14 (A) in paragraph (1) by striking “title IV
15 applies” and inserting “title IV applies or which
16 is a composite plan”; and

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

18 “(5) APPLICATION TO COMPOSITE PLANS.—The
19 provisions of this subsection shall apply to a com-
20 posite plan only to the extent prescribed by the Sec-
21 retary in regulations that take into account the dif-
22 ferences between a composite plan and a defined
23 benefit plan that is a multiemployer plan.”.

24 (2) TREATMENT FOR PURPOSES OF ANNUAL
25 REPORT.—Section 103 of the Employee Retirement

1 Income Security Act of 1974 (29 U.S.C. 1023) is
2 amended—

3 (A) in subsection (d) by adding at the end
4 the following sentence: “The provisions of this
5 subsection shall apply to a composite plan only
6 to the extent prescribed by the Secretary in reg-
7 ulations that take into account the differences
8 between a composite plan and a defined benefit
9 plan that is a multiemployer plan.”;

10 (B) in subsection (f) by adding at the end
11 the following:

12 “(3) ADDITIONAL INFORMATION FOR COM-
13 POSITE PLANS.—With respect to any composite
14 plan—

15 “(A) the provisions of paragraph (1)(A)
16 shall apply by substituting ‘current funded ratio
17 and projected funded ratio (as such terms are
18 defined in section 802(a)(2))’ for ‘funded per-
19 centage’ each place it appears; and

20 “(B) the provisions of paragraph (2) shall
21 apply only to the extent prescribed by the Sec-
22 retary in regulations that take into account the
23 differences between a composite plan and a de-
24 fined benefit plan that is a multiemployer
25 plan.”; and

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

2 “(h) COMPOSITE PLANS.—A multiemployer plan that
3 incorporates the features of a composite plan as provided
4 in section 801(b) shall be treated as a single plan for pur-
5 poses of the report required by this section, except that
6 separate financial statements and actuarial statements
7 shall be provided under paragraphs (3) and (4) of sub-
8 section (a) for the defined benefit plan component and for
9 the composite plan component of the multiemployer
10 plan.”.

11 (3) TREATMENT FOR PURPOSES OF PENSION
12 BENEFIT STATEMENTS.—Section 105(a) of the Em-
13 ployee Retirement Income Security Act of 1974 (29
14 U.S.C. 1025(a)) is amended by adding at the end
15 the following:

16 “(4) COMPOSITE PLANS.—For purposes of this
17 subsection, a composite plan shall be treated as a
18 defined benefit plan to the extent prescribed by the
19 Secretary in regulations that take into account the
20 differences between a composite plan and a defined
21 benefit plan that is a multiemployer plan.”.

22 (b) AMENDMENTS TO THE INTERNAL REVENUE
23 CODE OF 1986.—Section 6058 of the Internal Revenue
24 Code of 1986 is amended by redesignating subsection (f)

1 as subsection (g) and by inserting after subsection (e) the
2 following:

3 “(f) COMPOSITE PLANS.—A multiemployer plan that
4 incorporates the features of a composite plan as provided
5 in section 437(b) shall be treated as a single plan for pur-
6 poses of the return required by this section, except that
7 separate financial statements shall be provided for the de-
8 fined benefit plan component and for the composite plan
9 component of the multiemployer plan.”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to plan years beginning after the
12 date of the enactment of this Act.

13 **SEC. 104. TREATMENT OF COMPOSITE PLANS UNDER TITLE**
14 **IV.**

15 (a) DEFINITION.—Section 4001(a) of the Employee
16 Retirement Income Security Act of 1974 (29 U.S.C.
17 1301(a)) is amended by striking the period at the end of
18 paragraph (21) and inserting a semicolon and by adding
19 at the end the following:

20 “(22) COMPOSITE PLAN.—The term ‘composite
21 plan’ has the meaning set forth in section 801.”.

22 (b) COMPOSITE PLANS DISREGARDED FOR CALCULATING PREMIUMS.—Section 4006(a) of such Act (29
23 U.S.C. 1306(a)) is amended by adding at the end the fol-
24 lowing:
25

1 “(9) The composite plan component of a multi-
2 employer plan shall be disregarded in determining
3 the premiums due under this section from the multi-
4 employer plan.”.

5 (c) COMPOSITE PLANS NOT COVERED.—Section
6 4021(b)(1) of such Act (29 U.S.C. 1321(b)(1)) is amend-
7 ed by striking “Act” and inserting “Act, or a composite
8 plan, as defined in paragraph (43) of section 3 of this
9 Act”.

10 (d) NO WITHDRAWAL LIABILITY.—Section 4201 of
11 such Act (29 U.S.C. 1381) is amended by adding at the
12 end the following:

13 “(c) Contributions by an employer to the composite
14 plan component of a multiemployer plan shall not be taken
15 into account for any purpose under this title.”.

16 (e) NO WITHDRAWAL LIABILITY FOR CERTAIN
17 PLANS.—Section 4201 of such Act (29 U.S.C. 1381) is
18 further amended by adding at the end the following:

19 “(d) Contributions by an employer to a multiem-
20 ployer plan described in the except clause of section 3(35)
21 of this Act pursuant to a collective bargaining agreement
22 that specifically designates that such contributions shall
23 be allocated to the separate defined contribution accounts
24 of participants under the plan shall not be taken into ac-
25 count with respect to the defined benefit portion of the

1 plan for any purpose under this title (including the deter-
2 mination of the employer’s highest contribution rate under
3 section 4219), even if, under the terms of the plan, partici-
4 pants have the option to transfer assets in their separate
5 defined contribution accounts to the defined benefit por-
6 tion of the plan in return for service credit under the de-
7 fined benefit portion, at rates established by the plan
8 sponsor.

9 “(e) A legacy plan created under section 805 shall
10 be deemed to have no unfunded vested benefits for pur-
11 poses of this part, for each plan year following a period
12 of 5 consecutive plan years for which—

13 “(1) the plan was fully funded within the mean-
14 ing of section 805 for at least 3 of the plan years
15 during that period, ending with a plan year for
16 which the plan is fully funded;

17 “(2) the plan had no unfunded vested benefits
18 for at least 3 of the plan years during that period,
19 ending with a plan year for which the plan is fully
20 funded; and

21 “(3) the plan is projected to be fully funded
22 and to have no unfunded vested benefits for the fol-
23 lowing four plan years.”.

24 (f) NO WITHDRAWAL LIABILITY FOR EMPLOYERS
25 CONTRIBUTING TO CERTAIN FULLY FUNDED LEGACY

1 PLANS.—Section 4211 of such Act (29 U.S.C. 1382) is
2 amended by adding at the end the following:

3 “(g) No amount of unfunded vested benefits shall be
4 allocated to an employer that has an obligation to con-
5 tribute to a legacy plan described in subsection (e) of sec-
6 tion 4201 for each plan year for which such subsection
7 applies.”.

8 (g) NO OBLIGATION TO CONTRIBUTE.—Section
9 4212 of such Act (29 U.S.C. 1392) is amended by adding
10 at the end the following:

11 “(d) NO OBLIGATION TO CONTRIBUTE.—An em-
12 ployer shall not be treated as having an obligation to con-
13 tribute to a multiemployer defined benefit plan within the
14 meaning of subsection (a) solely because—

15 “(1) in the case of a multiemployer plan that
16 includes a composite plan component, the employer
17 has an obligation to contribute to the composite plan
18 component of the plan;

19 “(2) the employer has an obligation to con-
20 tribute to a composite plan that is maintained pur-
21 suant to one or more collective bargaining agree-
22 ments under which the multiemployer defined ben-
23 efit plan is or previously was maintained; or

24 “(3) the employer contributes or has contrib-
25 uted under section 805(d) to a legacy plan associ-

1 ated with a composite plan pursuant to a collective
2 bargaining agreement but employees of that em-
3 ployer were not eligible to accrue benefits under the
4 legacy plan with respect to service with that em-
5 ployer.”.

6 (h) NO INFERENCE.—Nothing in the amendment
7 made by subsection (e) shall be construed to create an in-
8 ference with respect to the treatment under title IV of the
9 Employee Retirement Income Security Act of 1974, as in
10 effect before such amendment, of contributions by an em-
11 ployer to a multiemployer plan described in the except
12 clause of section 3(35) of such Act that are made before
13 the effective date of subsection (e) specified in subsection
14 (h)(2).

15 (i) EFFECTIVE DATE.—

16 (1) IN GENERAL.—Except as provided in sub-
17 paragraph (2), the amendments made by this section
18 shall apply to plan years beginning after the date of
19 the enactment of this Act.

20 (2) SPECIAL RULE FOR SECTION 414(k) MULTI-
21 EMPLOYER PLANS.—The amendment made by sub-
22 section (e) shall apply only to required contributions
23 payable for plan years beginning after the date of
24 the enactment of this Act.

1 **SEC. 105. CONFORMING CHANGES.**

2 (a) DEFINITIONS.—Section 3 of the Employee Re-
3 tirement Income Security Act of 1974 (29 U.S.C. 1002)
4 is amended—

5 (1) in paragraph (35), by inserting “or a com-
6 posite plan” after “other than an individual account
7 plan”; and

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

9 “(43) The term ‘composite plan’ has the mean-
10 ing given the term in section 801(a).”.

11 (b) SPECIAL FUNDING RULE FOR CERTAIN LEGACY
12 PLANS.—

13 (1) AMENDMENT TO EMPLOYEE RETIREMENT
14 INCOME SECURITY ACT OF 1974.—Section 304(b) of
15 the Employee Retirement Income Security Act of
16 1974 (29 U.S.C. 1084(b)) is amended by adding at
17 the end the following:

18 “(9) SPECIAL FUNDING RULE FOR CERTAIN
19 LEGACY PLANS.—In the case of a multiemployer de-
20 fined benefit plan that has adopted an amendment
21 under section 801(b), in accordance with which no
22 further benefits shall accrue under the multiem-
23 ployer defined benefit plan, the plan sponsor may
24 combine the outstanding balance of all charge and
25 credit bases and amortize that combined base in
26 level annual installments (until fully amortized) over

1 a period of 25 plan years beginning with the plan
2 year following the date all benefit accruals ceased.”.

3 (2) AMENDMENT TO INTERNAL REVENUE CODE
4 OF 1986.—Section 431(b) of the Internal Revenue
5 Code of 1986 is amended by adding at the end the
6 following:

7 “(9) SPECIAL FUNDING RULE FOR CERTAIN
8 LEGACY PLANS.—In the case of a multiemployer de-
9 fined benefit plan that has adopted an amendment
10 under section 437(b), in accordance with which no
11 further benefits shall accrue under the multiem-
12 ployer defined benefit plan, the plan sponsor may
13 combine the outstanding balance of all charge and
14 credit bases and amortize that combined base in
15 level annual installments (until fully amortized) over
16 a period of 25 plan years beginning with the plan
17 year following the date on which all benefit accruals
18 ceased.”.

19 (c) BENEFITS AFTER MERGER, CONSOLIDATION, OR
20 TRANSFER OF ASSETS.—

21 (1) AMENDMENT TO EMPLOYEE RETIREMENT
22 INCOME SECURITY ACT OF 1974.—Section 208 of the
23 Employee Retirement Income Security Act of 1974
24 (29 U.S.C. 1058) is amended—

1 (A) by striking so much of the first sen-
2 tence as precedes “may not merge” and insert-
3 ing the following:

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), a pension plan may not merge, and”;

6 (B) by striking the second sentence and
7 adding at the end the following:

8 “(2) SPECIAL REQUIREMENTS FOR MULTIEM-
9 PLOYER PLANS.—Paragraph (1) shall not apply to
10 any transaction to the extent that participants either
11 before or after the transaction are covered under a
12 multiemployer plan to which title IV of this Act ap-
13 plies or a composite plan.”.

14 (2) AMENDMENTS TO INTERNAL REVENUE
15 CODE OF 1986.—

16 (A) QUALIFICATION REQUIREMENT.—Sec-
17 tion 401(a)(12) of the Internal Revenue Code
18 of 1986 is amended—

19 (i) by striking “(12) A trust” and in-
20 serting the following:

21 “(12) BENEFITS AFTER MERGER, CONSOLIDA-
22 TION, OR TRANSFER OF ASSETS.—

23 “(A) IN GENERAL.—Except as provided in
24 subparagraph (B), a trust”;

1 (ii) by striking the second sentence;

2 and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(B) SPECIAL REQUIREMENTS FOR MULTI-
6 EMPLOYER PLANS.—Subparagraph (A) shall
7 not apply to any multiemployer plan with re-
8 spect to any transaction to the extent that par-
9 ticipants either before or after the transaction
10 are covered under a multiemployer plan to
11 which title IV of the Employee Retirement In-
12 come Security Act of 1974 applies or a com-
13 posite plan.”.

14 (B) ADDITIONAL QUALIFICATION REQUIRE-
15 MENT.—Paragraph (1) of section 414(l) of such
16 Code is amended—

17 (i) by striking “(1) IN GENERAL” and
18 all that follows through “shall not con-
19 stitute” and inserting the following:

20 “(1) BENEFIT PROTECTIONS: MERGER, CON-
21 SOLIDATION, TRANSFER.—

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B), a trust which forms a part
24 of a plan shall not constitute”; and

1 (ii) by striking the second sentence;

2 and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(B) SPECIAL REQUIREMENTS FOR MULTI-
6 EMPLOYER PLANS.—Subparagraph (A) does not
7 apply to any multiemployer plan with respect to
8 any transaction to the extent that participants
9 either before or after the transaction are cov-
10 ered under a multiemployer plan to which title
11 IV of the Employee Retirement Income Secu-
12 rity Act of 1974 applies or a composite plan.”.

13 (d) REQUIREMENTS FOR STATUS AS A QUALIFIED
14 PLAN.—

15 (1) REQUIREMENT THAT ACTUARIAL ASSUMP-
16 TIONS BE SPECIFIED.—Section 401(a)(25) of the In-
17 ternal Revenue Code of 1986 is amended by insert-
18 ing “(in the case of a composite plan, benefits objec-
19 tively calculated pursuant to a formula)” after “defi-
20 nitely determinable benefits”.

21 (2) MISSING PARTICIPANTS IN TERMINATING
22 COMPOSITE PLAN.—Section 401(a)(34) of the Inter-
23 nal Revenue Code of 1986 is amended by striking “,
24 a trust” and inserting “or a composite plan, a
25 trust”.

1 (e) DEDUCTION FOR CONTRIBUTIONS TO A QUALI-
2 FIED PLAN.—Section 404(a)(1) of the Internal Revenue
3 Code of 1986 is amended by redesignating subparagraph
4 (E) as subparagraph (F) and by inserting after subpara-
5 graph (D) the following:

6 “(E) COMPOSITE PLANS.—

7 “(i) IN GENERAL.—In the case of a
8 composite plan, subparagraph (D) shall
9 not apply and the maximum amount de-
10 ductible for a plan year shall be the excess
11 (if any) of—

12 “(I) 160 percent of the greater
13 of—

14 “(aa) the current liability of
15 the plan determined in accord-
16 ance with the principles of sec-
17 tion 431(c)(6)(D), or

18 “(bb) the present value of
19 plan liabilities as determined
20 under section 438, over

21 “(II) the fair market value of the
22 plan’s assets, projected to the end of
23 the plan year.

1 “(ii) SPECIAL RULES FOR PREDE-
2 CESSOR MULTIEMPLOYER PLAN TO COM-
3 POSITE PLAN.—

4 “(I) IN GENERAL.—Except as
5 provided in subclause (II), if an em-
6 ployer contributes to a composite plan
7 with respect to its employees, con-
8 tributions by that employer to a mul-
9 tiemployer defined benefit plan with
10 respect to some or all of the same
11 group of employees shall be deductible
12 under sections 162 and this section,
13 subject to the limits in subparagraph
14 (D).

15 “(II) TRANSITION CONTRIBU-
16 TION.—The full amount of a contribu-
17 tion to satisfy the transition contribu-
18 tion requirement (as defined in sec-
19 tion 440A(d)) and allocated to the
20 legacy defined benefit plan for the
21 plan year shall be deductible for the
22 employer’s taxable year ending with or
23 within the plan year.”.

24 (f) MINIMUM VESTING STANDARDS.—

1 (1) YEARS OF SERVICE UNDER COMPOSITE
2 PLANS.—

3 (A) EMPLOYEE RETIREMENT INCOME SE-
4 CURITY ACT OF 1974.—Section 203 of the Em-
5 ployee Retirement Income Security Act of 1974
6 (29 U.S.C. 1053) is amended by inserting after
7 subsection (f) the following:

8 “(g) SPECIAL RULES FOR COMPUTING YEARS OF
9 SERVICE UNDER COMPOSITE PLANS.—

10 “(1) IN GENERAL.—In determining a qualified
11 employee’s years of service under a composite plan
12 for purposes of this section, the employee’s years of
13 service under a legacy plan shall be treated as years
14 of service earned under the composite plan. For pur-
15 poses of such determination, a composite plan shall
16 not be treated as a defined benefit plan pursuant to
17 section 801(d).

18 “(2) QUALIFIED EMPLOYEE.—For purposes of
19 this subsection, an employee is a qualified employee
20 if the employee first completes an hour of service
21 under the composite plan (determined without re-
22 gard to the provisions of this subsection) within the
23 12-month period immediately preceding or the 24-
24 month period immediately following the date the em-

1 ployee ceased to accrue benefits under the legacy
2 plan.

3 “(3) CERTIFICATION OF YEARS OF SERVICE.—

4 For purposes of paragraph (1), the plan sponsor of
5 the composite plan shall rely on a written certifi-
6 cation by the plan sponsor of the legacy plan of the
7 years of service the qualified employee completed
8 under the defined benefit plan as of the date the em-
9 ployee satisfies the requirements of paragraph (2),
10 disregarding any years of service that had been for-
11 feited under the rules of the defined benefit plan be-
12 fore that date.

13 “(h) SPECIAL RULES FOR COMPUTING YEARS OF
14 SERVICE UNDER LEGACY PLANS.—

15 “(1) IN GENERAL.—In determining a qualified
16 employee’s years of service under a legacy plan for
17 purposes of this section, and in addition to any serv-
18 ice under applicable regulations, the employee’s
19 years of service under a composite plan shall be
20 treated as years of service earned under the legacy
21 plan. For purposes of such determination, a com-
22 posite plan shall not be treated as a defined benefit
23 plan pursuant to section 801(d).

24 “(2) QUALIFIED EMPLOYEE.—For purposes of
25 this subsection, an employee is a qualified employee

1 if the employee first completes an hour of service
2 under the composite plan (determined without re-
3 gard to the provisions of this subsection) within the
4 12-month period immediately preceding or the 24-
5 month period immediately following the date the em-
6 ployee ceased to accrue benefits under the legacy
7 plan.

8 “(3) CERTIFICATION OF YEARS OF SERVICE.—
9 For purposes of paragraph (1), the plan sponsor of
10 the legacy plan shall rely on a written certification
11 by the plan sponsor of the composite plan of the
12 years of service the qualified employee completed
13 under the composite plan after the employee satisfies
14 the requirements of paragraph (2), disregarding any
15 years of service that has been forfeited under the
16 rules of the composite plan.”

17 (B) INTERNAL REVENUE CODE OF 1986.—
18 Section 411(a) of the Internal Revenue Code of
19 1986 is amended by adding at the end the fol-
20 lowing:

21 “(14) SPECIAL RULES FOR DETERMINING
22 YEARS OF SERVICE UNDER COMPOSITE PLANS.—

23 “(A) IN GENERAL.—In determining a
24 qualified employee’s years of service under a
25 composite plan for purposes of this subsection,

1 the employee's years of service under a legacy
2 plan shall be treated as years of service earned
3 under the composite plan. For purposes of such
4 determination, a composite plan shall not be
5 treated as a defined benefit plan pursuant to
6 section 437(d).

7 “(B) QUALIFIED EMPLOYEE.—For pur-
8 poses of this paragraph, an employee is a quali-
9 fied employee if the employee first completes an
10 hour of service under the composite plan (deter-
11 mined without regard to the provisions of this
12 paragraph) within the 12-month period imme-
13 diately preceding or the 24-month period imme-
14 diately following the date the employee ceased
15 to accrue benefits under the legacy plan.

16 “(C) CERTIFICATION OF YEARS OF SERV-
17 ICE.—For purposes of subparagraph (A), the
18 plan sponsor of the composite plan shall rely on
19 a written certification by the plan sponsor of
20 the legacy plan of the years of service the quali-
21 fied employee completed under the legacy plan
22 as of the date the employee satisfies the re-
23 quirements of subparagraph (B), disregarding
24 any years of service that had been forfeited

1 under the rules of the defined benefit plan be-
2 fore that date.

3 “(15) SPECIAL RULES FOR COMPUTING YEARS
4 OF SERVICE UNDER LEGACY PLANS.—

5 “(A) IN GENERAL.—In determining a
6 qualified employee’s years of service under a
7 legacy plan for purposes of this section, and in
8 addition to any service under applicable regula-
9 tions, the employee’s years of service under a
10 composite plan shall be treated as years of serv-
11 ice earned under the legacy plan. For purposes
12 of such determination, a composite plan shall
13 not be treated as a defined benefit plan pursu-
14 ant to section 437(d).

15 “(B) QUALIFIED EMPLOYEE.—For pur-
16 poses of this paragraph, an employee is a quali-
17 fied employee if the employee first completes an
18 hour of service under the composite plan (deter-
19 mined without regard to the provisions of this
20 paragraph) within the 12-month period imme-
21 diately preceding or the 24-month period imme-
22 diately following the date the employee ceased
23 to accrue benefits under the legacy plan.

24 “(C) CERTIFICATION OF YEARS OF SERV-
25 ICE.—For purposes of subparagraph (A), the

1 plan sponsor of the legacy plan shall rely on a
2 written certification by the plan sponsor of the
3 composite plan of the years of service the quali-
4 fied employee completed under the composite
5 plan after the employee satisfies the require-
6 ments of subparagraph (B), disregarding any
7 years of service that has been forfeited under
8 the rules of the composite plan.”.

9 (2) REDUCTION OF BENEFITS.—

10 (A) EMPLOYEE RETIREMENT INCOME SE-
11 CURITY ACT OF 1974.—Section 203(a)(3)(E)(ii)
12 of the Employee Retirement Income Security
13 Act of 1974 (29 U.S.C. 1053(a)(3)(E)(ii)) is
14 amended—

15 (i) in subclause (I) by striking
16 “4244A” and inserting “305(e), 803,”;
17 and

18 (ii) in subclause (II) by striking
19 “4245” and inserting “305(e), 4245,”.

20 (B) INTERNAL REVENUE CODE OF 1986.—
21 Section 411(a)(3)(F) of the Internal Revenue
22 Code of 1986 is amended—

23 (i) in clause (i) by striking “section
24 418D or under section 4281 of the Em-
25 ployee Retirement Income Security Act of

1 1974” and inserting “section 432(e) or
2 439 or under section 4281 of the Em-
3 ployee Retirement Income Security Act of
4 1974”; and

5 (ii) in clause (ii) by inserting “or
6 432(e)” after “section 418E”.

7 (3) ACCRUED BENEFIT REQUIREMENTS.—

8 (A) EMPLOYEE RETIREMENT INCOME SE-
9 CURITY ACT OF 1974.—Section 204(b)(1)(B)(i)
10 of the Employee Retirement Income Security
11 Act of 1974 (29 U.S.C. 1054(b)(1)(B)(i)) is
12 amended by inserting “, including an amend-
13 ment reducing or suspending benefits under
14 section 305(e), 803, 4245 or 4281,” after “any
15 amendment to the plan”.

16 (B) INTERNAL REVENUE CODE OF 1986.—
17 Section 411(b)(1)(B)(i) of the Internal Revenue
18 Code of 1986 is amended by inserting “, includ-
19 ing an amendment reducing or suspending ben-
20 efits under section 418E, 432(e) or 439, or
21 under section 4281 of the Employee Retirement
22 Income Security Act of 1974,” after “any
23 amendment to the plan”.

24 (4) ADDITIONAL ACCRUED BENEFIT REQUIRE-
25 MENTS.—

1 (A) EMPLOYEE RETIREMENT INCOME SE-
2 CURITY ACT OF 1974.—Section 204(b)(1)(H)(v)
3 of the Employee Retirement Income Security
4 Act of 1974 (29 U.S.C. 1053(b)(1)(H)(v)) is
5 amended by inserting before the period at the
6 end the following: “, or benefits are reduced or
7 suspended under section 305(e), 803, 4245, or
8 4281”.

9 (B) INTERNAL REVENUE CODE OF 1986.—
10 Section 411(b)(1)(H)(iv) of the Internal Rev-
11 enue Code of 1986 is amended—

12 (i) in the heading by striking “BEN-
13 EFIT” and inserting “BENEFIT AND THE
14 SUSPENSION AND REDUCTION OF CERTAIN
15 BENEFITS”; and

16 (ii) in the text by inserting before the
17 period at the end the following: “, or bene-
18 fits are reduced or suspended under sec-
19 tion 418E, 432(e), or 439, or under sec-
20 tion 4281 of the Employee Retirement In-
21 come Security Act of 1974”.

22 (5) ACCRUED BENEFIT NOT TO BE DECREASED
23 BY AMENDMENT.—

24 (A) EMPLOYEE RETIREMENT INCOME SE-
25 CURITY ACT OF 1974.—Section 204(g)(1) of the

1 Employee Retirement Income Security Act of
2 1974 (29 U.S.C. 1053(g)(1)) is amended by in-
3 serting after “302(d)(2)” the following: “,
4 305(e), 803, 4245,”.

5 (B) INTERNAL REVENUE CODE OF 1986.—
6 Section 411(d)(6)(A) of the Internal Revenue
7 Code of 1986 is amended by inserting after
8 “412(d)(2),” the following: “418E, 432(e), or
9 439,”.

10 (g) CERTAIN FUNDING RULES NOT APPLICABLE.—

11 (1) EMPLOYEE RETIREMENT INCOME SECURITY
12 ACT OF 1974.—Section 305 of the Employee Retirement
13 Income Security Act of 1974 (29 U.S.C. 1085)
14 is amended by adding at the end the following:

15 “(k) LEGACY PLANS.—Sections 302, 304, and 305
16 shall not apply to an employer that has an obligation to
17 contribute to a plan that is a legacy plan within the mean-
18 ing of section 805(a) solely because the employer has an
19 obligation to contribute to a composite plan described in
20 section 801 that is associated with that legacy plan.”.

21 (2) INTERNAL REVENUE CODE OF 1986.—Sec-
22 tion 432 of the Internal Revenue Code of 1986 is
23 amended by adding at the end the following:

24 “(k) LEGACY PLANS.—Sections 412, 431, and 432
25 shall not apply to an employer that has an obligation to

1 contribute to a plan that is a legacy plan within the mean-
2 ing of section 440A(a) solely because the employer has an
3 obligation to contribute to a composite plan described in
4 section 437 that is associated with that legacy plan.”.

5 (h) TERMINATION OF COMPOSITE PLAN.—Section
6 403(d) of the Employee Retirement Income Security Act
7 of 1974 (29 U.S.C. 1103(d) is amended—

8 (1) in paragraph (1), by striking “regulations
9 of the Secretary.” and inserting “regulations of the
10 Secretary, or as provided in paragraph (3).”; and

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

12 “(3) Section 4044(a) of this Act shall be ap-
13 plied in the case of the termination of a composite
14 plan by—

15 “(A) limiting the benefits subject to para-
16 graph (3) thereof to benefits as defined in sec-
17 tion 802(b)(3)(B); and

18 “(B) including in the benefits subject to
19 paragraph (4) all other benefits (if any) of indi-
20 viduals under the plan that would be guaran-
21 teed under section 4022A if the plan were sub-
22 ject to title IV.”.

23 (i) GOOD FAITH COMPLIANCE PRIOR TO GUID-
24 ANCE.—Where the implementation of any provision of law
25 added or amended by this division is subject to issuance

1 of regulations by the Secretary of Labor, the Secretary
2 of the Treasury, or the Pension Benefit Guaranty Cor-
3 poration, a multiemployer plan shall not be treated as fail-
4 ing to meet the requirements of any such provision prior
5 to the issuance of final regulations or other guidance to
6 carry out such provision if such plan is operated in accord-
7 ance with a reasonable, good faith interpretation of such
8 provision.

9 **SEC. 106. EFFECTIVE DATE.**

10 Unless otherwise specified, the amendments made by
11 this division shall apply to plan years beginning after the
12 date of the enactment of this Act.

13 **DIVISION W—OTHER MATTERS**

14 **SEC. 199991. HOME ENERGY AND WATER SERVICE CON-**
15 **TINUITY.**

16 Any entity receiving financial assistance pursuant to
17 **[this Act]** shall, to the maximum extent practicable, es-
18 tablish or maintain in effect policies to ensure that no
19 home energy service or public water system service to an
20 individual or household, which is provided or regulated by
21 such entity, is disconnected or interrupted during the
22 emergency period described in section 1135(g)(1)(B) of
23 the Social Security Act. For purposes of this section, the
24 term “home energy service” means a service to provide
25 home energy, as such term is defined in section 2604 of

1 the Low-Income Home Energy Assistance Act of 1981,
2 and electric service, as that term is used in the Public
3 Utility Regulatory Policies Act of 1978, and the term
4 “public water system” has the meaning given that term
5 in section 1401 of the Safe Drinking Water Act. Nothing
6 in this section shall be construed to require forgiveness
7 of outstanding debt owed to an entity or to absolve an
8 individual of any obligation to an entity for service.

9 **SEC. 199992. LOW-INCOME HOUSEHOLD DRINKING WATER**
10 **AND WASTEWATER ASSISTANCE.**

11 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
12 authorized to be appropriated \$1,500,000,000 to the Sec-
13 retary to carry out this section. Such sums shall remain
14 available until expended.

15 (b) **LOW-INCOME HOUSEHOLD DRINKING WATER**
16 **AND WASTEWATER ASSISTANCE.**—The Secretary shall
17 make grants to States and Indian Tribes to assist low-
18 income households, particularly those with the lowest in-
19 comes, that pay a high proportion of household income
20 for drinking water and wastewater services.

21 (c) **USE OF LIHEAP RESOURCES.**—In carrying out
22 this section, the Secretary, States, and Indian Tribes, as
23 applicable, shall use the existing processes, procedures,
24 policies, and systems in place to carry out the Low-Income
25 Home Energy Assistance Act of 1981, as the Secretary

1 determines appropriate, including by using the application
2 and approval process under such Act to the maximum ex-
3 tent practicable.

4 (d) ALLOTMENT.—

5 (1) FACTORS.—The Secretary shall allot
6 amounts appropriated pursuant to this section to a
7 State or Indian Tribe taking into account—

8 (A) the percentage of households in the
9 State, or under the jurisdiction of the Indian
10 Tribe, that are low-income, as determined by
11 the Secretary;

12 (B) the average State or Tribal drinking
13 water and wastewater service rates; and

14 (C) the extent to which the State or Indian
15 Tribe has been impacted by the public health
16 emergency.

17 (2) NOTIFICATION TO CONGRESS.—Not later
18 than 15 days after determining an amount to allot
19 to each State or Indian Tribe pursuant to paragraph
20 (1), and prior to making grants under this section,
21 the Secretary shall notify Congress of such allotment
22 amounts.

23 (e) DETERMINATION OF LOW-INCOME HOUSE-
24 HOLDS.—

1 (1) MINIMUM DEFINITION OF LOW-INCOME.—In
2 determining whether a household is considered low-
3 income for the purposes of this section, a State or
4 Indian Tribe shall—

5 (A) ensure that, at a minimum, all house-
6 holds within 150 percent of the Federal poverty
7 line are included as low-income households; and

8 (B) consider households that have not pre-
9 viously received assistance under the Low-In-
10 come Home Energy Assistance Act of 1981 in
11 the same manner as households that have pre-
12 viously received such assistance.

13 (2) HOUSEHOLD DOCUMENTATION REQUIRE-
14 MENTS.—States and Indian Tribes shall—

15 (A) to the maximum extent practicable,
16 seek to limit the income history documentation
17 requirements for determining whether a house-
18 hold is considered low-income for the purposes
19 of this section; and

20 (B) for the purposes of income eligibility,
21 accept proof of job loss or severe income loss
22 dated after February 29, 2020, such as a layoff
23 or furlough notice or verification of application
24 of unemployment benefits, as sufficient to dem-

1 onstrate lack of income for an individual or
2 household.

3 (f) APPLICATIONS.—Each State or Indian Tribe de-
4 siring to receive a grant under this section shall submit
5 an application to the Secretary, in such form as the Sec-
6 retary shall require.

7 (g) STATE AGREEMENTS WITH DRINKING WATER
8 AND WASTEWATER PROVIDERS.—To the maximum extent
9 practicable, a State that receives a grant under this sec-
10 tion shall enter into agreements with community water
11 systems, municipalities, nonprofit organizations associated
12 with providing drinking water and wastewater services to
13 rural and small communities, and Indian Tribes, to assist
14 in identifying low-income households and to carry out this
15 section.

16 (h) ADMINISTRATIVE COSTS.—A State or Indian
17 Tribe that receives a grant under this section may use up
18 to 15 percent of the granted amounts for administrative
19 costs.

20 (i) FEDERAL AGENCY COORDINATION.—In carrying
21 out this section, the Secretary shall coordinate with the
22 Administrator of the Environmental Protection Agency
23 and consult with other Federal agencies with authority
24 over the provision of drinking water and wastewater serv-
25 ices.

1 (j) AUDITS.—The Secretary shall require each State
2 and Indian Tribe receiving a grant under this section to
3 undertake periodic audits and evaluations of expenditures
4 made by such State or Indian Tribe pursuant to this sec-
5 tion.

6 (k) REPORTS TO CONGRESS.—The Secretary shall
7 submit to Congress a report on the results of activities
8 carried out pursuant to this section—

9 (1) not later than 1 year after the date of en-
10 actment of this section; and

11 (2) upon disbursement of all funds appropriated
12 pursuant to this section.

13 (l) DEFINITIONS.—In this section:

14 (1) COMMUNITY WATER SYSTEM.—The term
15 “community water system” has the meaning given
16 such term in section 1401 of the Safe Drinking
17 Water Act (42 U.S.C. 300f).

18 (2) INDIAN TRIBE.—The term “Indian Tribe”
19 means any Indian Tribe, band, group, or community
20 recognized by the Secretary of the Interior and exer-
21 cising governmental authority over a Federal Indian
22 reservation.

23 (3) MUNICIPALITY.—The term “municipality”
24 has the meaning given such term in section 502 of

1 the Federal Water Pollution Control Act (33 U.S.C.
2 1362).

3 (4) PUBLIC HEALTH EMERGENCY.—The term
4 “public health emergency” means the public health
5 emergency described in section 1135(g)(1)(B) of the
6 Social Security Act.

7 (5) SECRETARY.—The term “Secretary” means
8 the Secretary of Health and Human Services.

9 (6) STATE.—The term “State” means a State,
10 the District of Columbia, the Commonwealth of
11 Puerto Rico, the Virgin Islands of the United States,
12 Guam, American Samoa, and the Commonwealth of
13 the Northern Mariana Islands.

14 **SEC. 199993. DELAY OF STRATEGIC PETROLEUM RESERVE**
15 **SALE.**

16 (a) BIPARTISAN BUDGET ACT OF 2015.—Section
17 404 of the Bipartisan Budget Act of 2015 (42 U.S.C.
18 6239 note) is amended—

19 (1) in subsection (e), by striking “2020” and
20 inserting “2022”; and

21 (2) in subsection (g), by striking “2020” and
22 inserting “2022”.

23 (b) FURTHER CONSOLIDATED APPROPRIATIONS ACT,
24 2020.—Title III of division C of the Further Consolidated
25 Appropriations Act, 2020 (Public Law 116–94) is amend-

1 ed in the matter under the heading “Department of En-
2 ergy—Energy Programs—Strategic Petroleum Reserve”
3 by striking “*Provided, That*” and all that follows through
4 the period at the end and inserting the following: “*Pro-*
5 *vided, That*, as authorized by section 404 of the Bipar-
6 tisan Budget Act of 2015 (Public Law 114–74; 42 U.S.C.
7 6239 note), the Secretary of Energy shall draw down and
8 sell not to exceed a total of \$450,000,000 of crude oil from
9 the Strategic Petroleum Reserve in fiscal year 2020, fiscal
10 year 2021, or fiscal year 2022: *Provided further*, That the
11 proceeds from such drawdown and sale shall be deposited
12 into the ‘Energy Security and Infrastructure Moderniza-
13 tion Fund’ during the fiscal year in which the sale occurs
14 and shall be made available in such fiscal year, to remain
15 available until expended, for necessary expenses to carry
16 out the Life Extension II project for the Strategic Petro-
17 leum Reserve.”.

18 **SEC. 199994. EXPANSION OF DOL AUTHORITY TO POSTPONE**

19 **CERTAIN DEADLINES.**

20 Section 518 of the Employee Retirement Income Se-
21 curity Act of 1974 (29 U.S.C. 1148) is amended by strik-
22 ing “or a terroristic or military action (as defined in sec-
23 tion 692(c)(2) of such Code), the Secretary may” and in-
24 serting “a terroristic or military action (as defined in sec-
25 tion 692(c)(2) of such Code), or a public health emergency

1 declared by the Secretary of Health and Human Services
2 pursuant to section 319 of the Public Health Service Act,
3 the Secretary may”.

4 **SEC. 199995. PROVIDING BUREAU OF THE CENSUS ACCESS**
5 **TO INSTITUTIONS OF HIGHER EDUCATION.**

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law, including section 444 of the General Edu-
8 cation Provisions Act (commonly known as the “Family
9 Educational Rights and Privacy Act of 1974”), an institu-
10 tion of higher education may, in furtherance of a full and
11 accurate decennial census of population count, provide to
12 the Bureau of the Census information requested by the
13 Bureau for purposes of enumeration for the 2020 decen-
14 nial Census.

15 (b) APPLICATION.—

16 (1) INFORMATION.—Only information requested
17 on the official 2020 decennial census of population
18 form may be provided to the Bureau of the Census
19 pursuant to this section. No institution of higher
20 education may provide any information to the Bu-
21 reau on the immigration or citizenship status of any
22 individual.

23 (2) GROUP QUARTERS.—Only students who, ac-
24 cording to guidance from the Bureau, are living in

1 group quarters may be included in the data provided
2 to the Bureau under this section.

3 (3) NOTICE REQUIRED.—Before information
4 can be provided to the Bureau, the institution of
5 higher education shall give public notice of the cat-
6 egories of information which it plans to provide and
7 shall allow 10 days after such notice has been given
8 for a parent or student to inform the institution that
9 any or all of the information designated should not
10 be released without the parent or student’s prior
11 consent. No institution of higher education shall pro-
12 vide the Bureau with the information of any indi-
13 vidual who has objected or whose legal guardian has
14 objected to the provision of such information.

15 (4) USE OF INFORMATION.—Information pro-
16 vided to the Bureau pursuant to this section may
17 only be used for the purposes of enumeration for the
18 2020 decennial census of population.

19 (c) SUNSET.—The authority provided in this section
20 shall expire on December 31, 2020.

21 (d) DEFINITIONS.—In this section:

22 (1) GROUP QUARTERS.—The term “group quar-
23 ters” means housing units owned or operated by an
24 institution of higher education.

1 (2) INSTITUTION OF HIGHER EDUCATION.—The
2 term “institution of higher education” has the
3 meaning given that term in section 102 of the High-
4 er Education Act of 1965 (20 U.S.C. 1002).

5 **SEC. 199996. BUDGETARY EFFECTS.**

6 (a) STATUTORY PAYGO SCORECARDS.—The budg-
7 etary effects of division B and each succeeding division
8 shall not be entered on either PAYGO scorecard main-
9 tained pursuant to section 4(d) of the Statutory Pay-As-
10 You-Go Act of 2010.

11 (b) SENATE PAYGO SCORECARDS.—The budgetary
12 effects of division B and each succeeding division shall not
13 be entered on any PAYGO scorecard maintained for pur-
14 poses of section 4106 of H. Con. Res. 71 (115th Con-
15 gress).

16 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—
17 Notwithstanding Rule 3 of the Budget Scorekeeping
18 Guidelines set forth in the joint explanatory statement of
19 the committee of conference accompanying Conference Re-
20 port 105–217 and section 250(c)(8) of the Balanced
21 Budget and Emergency Deficit Control Act of 1985, the
22 budgetary effects of division B and each succeeding divi-
23 sion shall not be estimated—

24 (1) for purposes of section 251 of such Act; and

1 (2) for purposes of paragraph (4)(C) of section
2 3 of the Statutory Pay-As-You-Go Act of 2010 as
3 being included in an appropriation Act.