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


H.R. 748

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

Referred to the Committee on ____________ and ordered to be printed

Ordered to lie on the table and to be printed

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

Viz:

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

3 SECTION 1. SHORT TITLE.

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

6 SEC. 2. TABLE OF CONTENTS.

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Sec. 1102. Paycheck protection program.
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SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference

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

be treated as referring only to the provisions of that divi-

sion.

DIVISION A—KEEPING WORKERS
PAID AND EMPLOYED,
HEALTH CARE SYSTEM ENHANCEMENTS, AND ECO-
NOMIC STABILIZATION

TITLE I—KEEPING AMERICAN
WORKERS PAID AND EMP-
LOYED ACT

SEC. 1101. DEFINITIONS.

In this title—

(1) the terms “Administration” and “Adminis-

trator” mean the Small Business Administration

and the Administrator thereof, respectively; and

(2) the term “small business concern” has the

meaning given the term in section 3 of the Small

SEC. 1102. PAYCHECK PROTECTION PROGRAM.

(a) In General.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)—

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

(B) by adding at the end the following:

“(F) Participation in the Paycheck Protection Program.—In an agreement to participate in a loan on a deferred basis under paragraph (36), the participation by the Administration shall be 100 percent.”;

(2) by adding at the end the following:

“(36) Paycheck Protection Program.—

“(A) Definitions.—In this paragraph—

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

“(ii) the term ‘covered loan’ means a loan made under this paragraph during the covered period;
“(iii) the term ‘covered period’ means the period beginning on February 15, 2020 and ending on June 30, 2020;

“(iv) the term ‘eligible recipient’ means an individual or entity that is eligible to receive a covered loan;

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

“(vi) the term ‘nonprofit organization’ means an organization that is described in section 501(e)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code;

“(vii) the term ‘payroll costs’—

“(I) means—

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

“(AA) salary, wage, commission, or similar compensation;
“(BB) payment of cash tip or equivalent;

“(CC) payment for vacation, parental, family, medical, or sick leave;

“(DD) allowance for dismissal or separation;

“(EE) payment required for the provisions of group health care benefits, including insurance premiums;

“(FF) payment of any retirement benefit; or

“(GG) payment of State or local tax assessed on the compensation of employees; and

“(bb) the sum of payments of any compensation to a sole proprietor or independent contractor that is a wage, commission, or similar compensation and that is in an amount that is not more than $100,000 in 1 year, as
prorated for the covered period; and

“(II) shall not include—

“(aa) the compensation of an individual employee in excess of an annual salary of $100,000, as prorated for the covered period;

“(bb) taxes imposed or withheld under chapters 21, 22, or 24 of the Internal Revenue Code of 1986 during the covered period;

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

“(dd) qualified sick leave wages for which a credit is allowed under section 7001 of the Families First Coronavirus Response Act (Public Law 116–127); or

“(ee) qualified family leave wages for which a credit is allowed under section 7003 of the
Families First Coronavirus Response Act (Public Law 116–127); and

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

“(B) Paycheck protection loans.—Except as otherwise provided in this paragraph, the Administrator may guarantee covered loans under the same terms, conditions, and processes as a loan made under this subsection.

“(C) Registration of loans.—Not later than 15 days after the date on which a loan is made under this paragraph, the Administration shall register the loan using the TIN (as defined in section 7701 of the Internal Revenue Code of 1986) assigned to the borrower.

“(D) Increased eligibility for certain small businesses and organizations.—

“(i) In general.—During the covered period, in addition to small business concerns, any business concern, nonprofit
organization, veterans organization, or Tribal business concern described in section 31(b)(2)(C) shall be eligible to receive a covered loan if the business concern, nonprofit organization, veterans organization, or Tribal business concern employs not more than the greater of—

“(I) 500 employees; or

“(II) if applicable, the size standard in number of employees established by the Administration for the industry in which the business concern, nonprofit organization, veterans organization, or Tribal business concern operates.

“(ii) Exclusion of Nonprofits Receiving Medicaid Expenditures.—Clause (i) shall not apply to a nonprofit entity eligible for payment for items or services furnished under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or under a waiver of such plan, other than a nonprofit entity for which the primary service provided by
the nonprofit entity is substance abuse
treatment and counseling.

“(iii) Inclusion of sole proprietors, independent contractors, and
eligible self-employed individuals.—

“(I) In general.—During the
covered period, individuals who oper-
ate under a sole proprietorship or as
an independent contractor and eligible
self-employed individuals shall be eli-
gible to receive a covered loan.

“(II) Documentation.—

“(aa) Self-employed.—An
eligible self-employed individual
seeking a covered loan shall sub-
mit payroll tax filings reported to
the Internal Revenue Service.

“(bb) Independent contractor.—An independent con-
tractor seeking a covered loan
shall submit each Form 1099–
MISC that contains reportable
compensation.
“(cc) SOLE PROPRIETORSHIP.—An individual who operates under a sole proprietorship shall submit each schedule filed or to be filed with a tax return that documents any income or expenses for the sole proprietorship.

“(iv) BUSINESS CONCERNS WITH MORE THAN 1 PHYSICAL LOCATION.—During the covered period, any business concern that employs not more than 500 employees per physical location of the business concern and that is assigned a North American Industry Classification System code beginning with 72 at the time of disbursal shall be eligible to receive a covered loan, except for a business concern assigned to such a code that, in 2019, earned in excess of $500,000,000 in gross annual receipts.

“(v) WAIVER OF AFFILIATION RULES.—During the covered period, the provisions applicable to affiliations under section 121.103 of title 13, Code of Fed-
eral Regulations, or any successor regulation, are waived with respect to eligibility for a covered loan for—

“(I) any business concern with not more than 500 employees that, as of the date on which the covered loan is disbursed, is assigned a North American Industry Classification System code beginning with 72;

“(II) any business concern operating as a franchise that is assigned a franchise identifier code by the Administration; and


“(vi) EMPLOYEE.—For purposes of determining whether a business concern, nonprofit organization, veterans organization, or Tribal business concern described in section 31(b)(2)(C) employs not more than 500 employees under clause (i)(I), the term ‘employee’ includes individuals em-
ployed on a full-time, part-time, or other basis.

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

“(i)(I) the product obtained by multiplying—

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

“(bb) 2.5; or

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

“(aa) the average total monthly payments by the applicant for payroll costs incurred during the period beginning on January 1, 2020 and ending on February 29, 2020; by

“(bb) 2.5; or

“(ii) $10,000,000.

“(F) ALLOWABLE USES OF COVERED LOANS.—

“(i) IN GENERAL.—During the covered period, an eligible recipient may, in addition to the allowable uses of a loan made under this subsection, use the proceeds of the covered loan for—

“(I) payroll costs;

“(II) costs related to the continuation of group health care benefits during periods of paid sick, medical, or family leave, and insurance premiums;

“(III) employee salaries, commissions, or similar compensations;
“(IV) payments of interest on any mortgage obligation (which shall not include any prepayment of or payment of principal on a mortgage obligation);

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

“(VI) utilities; and

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

“(ii) **DELEGATED AUTHORITY.**

“(I) **IN GENERAL.**—For purposes of making covered loans for the purposes described in clause (i), a lender approved under this paragraph shall be considered to have delegated authority to make and approve covered loans, subject to the provisions of this paragraph.

“(II) **CONSIDERATIONS.**—In evaluating the eligibility of a borrower for a covered loan with the terms described in this paragraph, a lender shall consider whether the borrower—
“(aa) was in operation on February 15, 2020; and

“(bb)(AA) had employees for whom the borrower paid salaries and payroll taxes; or

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

“(iii) ADDITIONAL LENDERS.—The authority to make loans under this paragraph shall be extended to additional lenders determined by the Administrator and the Secretary of the Treasury to have the necessary qualifications to process, close, disburse and service loans made with the guarantee of the Administration.

“(iv) LIMITATION.—An eligible recipient of a covered loan for purposes of paying payroll costs and other obligations described in this subparagraph shall not be eligible to receive an economic injury disaster loan under subsection (b)(2) for the same purpose.

“(v) NONRECOURSE.—Notwithstanding the waiver of the personal guar-
antee requirement under subparagraph (J), the Administrator shall have no recourse against any individual shareholder, member, or partner of an eligible recipient of a covered loan for nonpayment of any covered loan, except to the extent that such shareholder, member, or partner uses the covered loan proceeds for a purpose not authorized under clause (i).

"(G) Borrower Requirements.—

"(i) Certification.—An eligible recipient applying for a covered loan shall make a good faith certification—

"(I) that the uncertainty of current economic conditions makes necessary the loan request to support the ongoing operations of the eligible recipient;

"(II) acknowledging that funds will be used to retain workers and maintain payroll or make mortgage payments, lease payments, and utility payments;

"(III) that the eligible recipient does not have an application pending
for a loan under paragraph (34) for
the same purpose and duplicative of
amounts applied for or received under
a covered loan; and

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

“(H) Fee Waiver.—During the covered
period, with respect to a covered loan—

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

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

“(I) Credit Elsewhere.—During the
covered period, the requirement that a small
business concern is unable to obtain credit else-
where, as defined in section 3(h), shall not
apply to a covered loan.
“(J) Waiver of personal guarantee requirement.—During the covered period, with respect to a covered loan, no personal guarantee shall be required for the covered loan.

“(K) Maturity for loans with remaining balance after application of forgiveness.—With respect to a covered loan that has a remaining balance after reduction based on the loan forgiveness amount under section 1105 of the CARES Act—

“(i) the remaining balance shall continue to be guaranteed by the Administration under this subsection; and

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

“(L) Interest rate requirements.—During the covered period, a covered loan shall bear an interest rate not to exceed 4 percent.

“(M) Loan deferment.—

“(i) Definition of impacted borrower.—
“(I) IN GENERAL.—In this sub-
paragraph, the term ‘impacted bor-
rower’ means an eligible recipient
that—

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

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

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

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

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

“(II) require lenders under this
subsection to provide complete pay-
ment deferment relief for impacted
borrowers with covered loans for a pe-
period of not less than 6 months, including payment of principal, interest, and fees.

“(iii) Secondary market.—During the covered period, with respect to a covered loan that is sold on the secondary market, if an investor declines to approve a deferral requested by a lender under clause (ii), the Administrator shall exercise the authority to purchase the loan so that the impacted borrower may receive a deferral for a period of not less than 6 months beginning on the date on which the loan is disbursed and ending on the date that is not later than 1 year after the disbursement.

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

“(N) Secondary market sales.—A covered loan shall not be eligible to be sold in the secondary market until the covered recipient of
the covered loan has requested the loan forgiveness authorized under section 1105 of the CARES Act and the Administrator has finally determined the amount of any forgiveness to which the eligible recipient is entitled and has made payment to the lender. Any remaining balance on the loan after the application of that payment may be sold in the secondary market.

“(O) REGULATORY CAPITAL REQUIREMENTS.—

“(i) Risk weight.—With respect to the appropriate Federal banking agencies applying capital requirements under their respective risk-based capital requirements, a covered loan shall receive a risk weight of zero percent.

“(ii) Temporary relief from TDR disclosures.—Notwithstanding any other provision of law, an insured depository institution that modifies a covered loan in relation to COVID–19-related difficulties in a troubled debt restructuring on or after March 13, 2020, shall not be required to comply with the Financial Accounting Standards Board Accounting Standards
Codification Subtopic 310-40 (‘Receivables – Troubled Debt Restructurings by Creditors’) for purposes of compliance with the requirements of the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), until such time and under such circumstances as the appropriate Federal banking agency determines appropriate.

“(P) REIMBURSEMENT FOR PROCESSING.—

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

“(ii) TIMING.—A reimbursement described in clause (i) shall be made not later than 5 days after the disbursement of the covered loan.

“(Q) DUPLICATION.—Nothing in this paragraph shall prohibit a recipient of an economic injury disaster loan made under subsection (b)(2) during the period beginning on February 15, 2020 and ending on March 31, 2020, from receiving reimbursement for the loan. 

“
2020 from receiving assistance under this para-
graph.

“(R) Waiver of Prepayment Penalty.—Notwithstanding any other provision of
law, there shall be no prepayment penalty for
any payment made on a covered loan.”.

(b) Commitments for 7(a) Loans.—During the pe-
riod beginning on February 15, 2020 and ending on June
30, 2020—

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

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

(c) Express Loans.—

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

(2) PROSPECTIVE REPEAL.—Effective on January 1, 2021, section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking “$1,000,000” and inserting “$350,000”.

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

(1) by striking clause (ii); and

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

(e) INTERIM RULE.—On and after the date of enactment of this Act, the interim final rule published by the Administrator entitled “Express Loan Programs: Affiliation Standards” (85 Fed. Reg. 7622 (February 10, 2020)) is permanently rescinded and shall have no force or effect.

SEC. 1103. ENTREPRENEURIAL DEVELOPMENT.

(a) DEFINITIONS.—In this section—

(1) the term “covered small business concern” means a small business concern that has experienced, as a result of COVID–19—

(A) supply chain disruptions, including changes in—
(i) quantity and lead time, including the number of shipments of components and delays in shipments;

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

(iii) technology, including a compromised payment network;

(B) staffing challenges;

(C) a decrease in gross receipts or customers; or

(D) a closure;

(2) the term “resource partner” means—

(A) a small business development center;

and

(B) a women’s business center;

(3) the term “small business development center” has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632); and

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

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

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

(2) USE OF FUNDS.—Grants under this subsection shall be used for the education, training, and advising of covered small business concerns and their employees on—

(A) accessing and applying for resources provided by the Administration and other Federal resources relating to access to capital and business resiliency;

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

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

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

(E) the management and practice of remote customer service by electronic or other means;
(F) the risks of and mitigation of cyber threats in remote customer service or telework practices;

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

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

(3) GRANT DETERMINATION.—

(A) SMALL BUSINESS DEVELOPMENT CENTERS.—The Administration shall award 80 percent of funds authorized to carry out this subsection to small business development centers, which shall be awarded pursuant to a formula jointly developed, negotiated, and agreed upon, with full participation of both parties, between the association formed under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) and the Administration.

(B) WOMEN’S BUSINESS CENTERS.—The Administration shall award 20 percent of funds authorized to carry out this subsection to women’s business centers, which shall be awarded
pursuant to a process established by the Administration in consultation with recipients of assistance.

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

(4) GOALS AND METRICS.—

(A) IN GENERAL.—Goals and metrics for the funds made available under this subsection shall be jointly developed, negotiated, and agreed upon, with full participation of both parties, between the resource partners and the Administrator, which shall—

(i) take into consideration the extent of the circumstances relating to the spread of COVID–19, or similar occurrences, that affect covered small business concerns located in the areas covered by the resource partner, particularly in rural areas or economically distressed areas;

(ii) generally follow the use of funds outlined in paragraph (2), but shall not restrict the activities of resource partners in responding to unique situations; and
(iii) encourage resource partners to
develop and provide services to covered
small business concerns.

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

(e) RESOURCE PARTNER ASSOCIATION GRANTS.—

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

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

(B) a training program to educate resource
counselors, members of the Service
Corps of Retired Executives established under
section 8(b)(1)(B) of the Small Business Act
(15 U.S.C. 637(b)(1)(B)), and counselors at
veterans business outreach centers described in
section 32 of the Small Business Act (15 U.S.C. 657b) on the resources and information described in subparagraph (A).

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

(d) REPORT.—Not later than 6 months after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that describes—

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

(A) the programs and services developed and provided by the Administration and resource partners under subsection (b);

(B) the initial efforts to provide those services under subsection (b); and

(C) the online platform and training developed and provided by the Administration and
the association or associations under subsection (c); and

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

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

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

(ii) the challenges faced by owners of covered small business concerns in accessing services provided by the Administration and resource partners;

(iii) the number of unique covered small business concerns that were served by the Administration and resource partners; and

(iv) other relevant outcome performance data with respect to covered small business concerns, including the number of employees affected, the effect on sales, the disruptions of supply chains, and the efforts made by the Administration and resource partners to mitigate these effects; and
(B) with respect to the grant program under subsection (c)—

(i) the efforts of the Administrator and the association or associations to develop and evolve an online resource for small business concerns; and

(ii) the efforts of the Administrator and the association or associations to develop a training program for resource partner counselors, including the number of counselors trained.

SEC. 1104. WAIVER OF MATCHING FUNDS REQUIREMENT UNDER THE WOMEN’S BUSINESS CENTER PROGRAM.

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

SEC. 1105. LOAN FORGIVENESS.

(a) DEFINITIONS.—In this section—

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

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

(A) is a liability of the borrower;

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

(C) was incurred before February 15, 2020;

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

(4) the term “covered rent obligation” means rent obligated under a leasing agreement in force before February 15, 2020;

(5) the term “covered utility payment” means payment for a service for the distribution of electricity, gas, water, transportation, telephone, or internet access for which service began before February 15, 2020;

(6) the term “eligible recipient” means the recipient of a covered loan;

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

(A) payroll costs;

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

(C) payments on any covered rent obligation; and

(D) covered utility payments; and

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

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

(1) Payroll costs.

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

(3) Any payment on any covered rent obligation.
(4) Any covered utility payment.

(e) TREATMENT OF AMOUNTS FORGIVEN.—

(1) IN GENERAL.—Amounts which have been forgiven under this section shall be considered canceled indebtedness by a lender authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

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

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

(4) ADVANCE PURCHASE OF COVERED LOAN.—

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

(B) PURCHASE.—The Administrator shall purchase the expected forgiveness amount described in subparagraph (A) as if the amount were the principal amount of a loan guaranteed under section 7(a) of the Small Business Act 636(a)).

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

(d) LIMITS ON AMOUNT OF FORGIVENESS.—

(1) AMOUNT MAY NOT EXCEED PRINCIPAL.—The amount of loan forgiveness under this section shall not exceed the principal amount of the financing made available under the applicable covered loan.

(2) REDUCTION BASED ON REDUCTION IN NUMBER OF EMPLOYEES.—

(A) IN GENERAL.—The amount of loan forgiveness under this section shall be reduced,
but not increased, by multiplying the amount described in subsection (b) by the quotient obtained by dividing—

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

(ii)(I) at the election of the borrower—

(aa) the average number of full-time equivalent employees per month employed by the eligible recipient during the period beginning on February 15, 2019 and ending on June 30, 2019; or

(bb) the average number of full-time equivalent employees per month employed by the eligible recipient during the period beginning on January 1, 2020 and ending on February 29, 2020; or

(II) in the case of an eligible recipient that is seasonal employer, as determined by the Administrator, the average number of full-time equivalent employees per
month employed by the eligible recipient
during the period beginning on February
15, 2019 and ending on June 30, 2019.

(B) Exemptions.—The Administrator
and the Secretary of the Treasury may pre-
scribe regulations granting de minimis exemp-
tions from the requirements under this para-

(C) Calculation of Average Number
of Employees.—For purposes of subpara-
graph (A), the average number of full-time
equivalent employees shall be determined by
calculating the average number of full-time
equivalent employees for each pay period falling
within a month.

(3) Reduction relating to Salary and
Wages.—

(A) In General.—The amount of loan
forgiveness under this section shall be reduced
by the amount of any reduction in total salary
or wages of any employee described in subpara-
graph (B) during the covered period that is in
excess of 25 percent of the total salary or wages
of the employee during the most recent full
quarter during which the employee was employed before the covered period.

(B) Employees described.—An employee described in this subparagraph is any employee who did not receive, during any single pay period during 2019, wages or salary at an annualized rate of pay in an amount more than $100,000.

(4) Tipped workers.—An eligible recipient with tipped employees described in section 3(m)(2)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)(2)(A)) may receive forgiveness for additional wages paid to those employees.

(5) Exemption for re-hires.—

(A) In general.—In a circumstance described in subparagraph (B), the amount of loan forgiveness under this section shall be determined without regard to a reduction in the number of full-time equivalent employees of an eligible recipient or a reduction in the salary of 1 or more employees of the eligible recipient, as applicable, during the period beginning on February 15, 2020 and ending on the date that is 30 days after the date of enactment of this Act.
(B) CIRCUMSTANCES.—A circumstance described in this subparagraph is a circumstance—

(i) in which—

(I) during the period beginning on February 15, 2020 and ending on the date that is 30 days after the date of enactment of this Act, there is a reduction, as compared to February 15, 2020, in the number of full-time equivalent employees of an eligible recipient; and

(II) not later than June 30, 2020, the eligible employer has eliminated the reduction in the number of full-time equivalent employees;

(ii) in which—

(I) during the period beginning on February 15, 2020 and ending on the date that is 30 days after the date of enactment of this Act, there is a reduction, as compared to February 15, 2020, in the salary or wages of 1 or more employees of the eligible recipient; and
not later than June 30, 2020, the eligible employer has eliminated the reduction in the salary or wages of such employees; or

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

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

(1) documentation verifying the number of full-time equivalent employees on payroll and pay rates for the periods described in subsection (d), including—

(A) payroll tax filings reported to the Internal Revenue Service; and

(B) State income, payroll, and unemployment insurance filings;

(2) documentation, including cancelled checks, payment receipts, transcripts of accounts, or other documents verifying payments on covered mortgage obligations, payments on covered lease obligations, and covered utility payments;
(3) a certification from a representative of the eligible recipient authorized to make such certifications that—

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

(B) the amount for which forgiveness is requested was used to retain employees, make interest payments on a covered mortgage obligation, make payments on a covered rent obligation, or make covered utility payments; and

(4) any other documentation the Administrator determines necessary.

(f) PROHIBITION ON FORGIVENESS WITHOUT DOCUMENTATION.—No eligible recipient shall receive forgiveness under this section without submitting to the lender that originated the covered loan the documentation required under subsection (e).

(g) DECISION.—Not later than 60 days after the date on which a lender receives an application for loan forgiveness under this section from an eligible recipient, the lender shall issue a decision on the application.

(h) HOLD HARMLESS.—If a lender has received the documentation required under this section and determines that an eligible recipient has accurately verified the payments for payroll costs, payments on covered mortgage ob-
ligations, payments on covered lease obligations, or covered utility payments during covered period—

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

(2) the lender shall not be subject to any penalties by the Administrator relating to loan forgiveness for the payments for payroll costs, payments on covered mortgage obligations, payments on covered lease obligations, or covered utility payments, as the case may be.

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

(j) Rule of Construction.—The cancellation of indebtedness on a covered loan under this section shall not otherwise modify the terms and conditions of the covered loan.

(k) Regulations.—Not later than 30 days after the date of enactment of this Act, the Administrator shall issue guidance and regulations implementing this section.
SEC. 1106. DIRECT APPROPRIATIONS.

(a) In general.—There is appropriated, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, to remain available until September 30, 2021, for additional amounts—

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

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

(3) $25,000,000 under the heading “Small Business Administration—Office of Inspector General”, to remain available until September 30, 2024, for necessary expenses of the Office of Inspector General of the Administration in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.);

(4) $265,000,000 under the heading “Small Business Administration—Entrepreneurial Development Programs”, of which—
(A) \$240,000,000 shall be for carrying out section 1103(b) of this Act; and

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

(5) \$10,000,000 under the heading “Department of Commerce—Minority Business Development Agency” for minority business centers of the Minority Business Development Agency to provide technical assistance to small business concerns;

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

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

(8) \$25,000,000 under the heading “Department of the Treasury—Departmental Offices—Salaries and Expenses” shall be for carrying out section 1109 of this Act.

(b) SECONDARY MARKET.—During the period beginning on the date of enactment of this Act and ending on September 30, 2021, guarantees of trust certificates authorized by section 5(g) of the Small Business Act (15
U.S.C. 635(g)) shall not exceed a principal amount of $100,000,000,000.

(c) REPORTS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a detailed expenditure plan for using the amounts appropriated to the Administration under subsection (a).

SEC. 1107. MINORITY BUSINESS DEVELOPMENT AGENCY.

(a) DEFINITIONS.—In this section—

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

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

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

(A) not less than 51 percent of which is owned by 1 or more socially disadvantaged individuals, as determined by the Agency; and

(B) the management and daily business operations of which are controlled by 1 or more socially disadvantaged individuals, as determined by the Agency; and
(4) the term “minority chamber of commerce” means a chamber of commerce developed specifically to support minority business enterprises.

(b) **Education, Training, and Advising Grants.**—

(1) **In general.**—The Agency may provide financial assistance in the form of grants to minority business centers and minority chambers of commerce to provide education, training, and advising to minority business enterprises.

(2) **Use of funds.**—Grants under this section shall be used for the education, training, and advising of minority business enterprises and their employees on—

(A) accessing and applying for resources provided by the Agency and other Federal resources relating to access to capital and business resiliency;

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

(C) the potential effects of COVID–19 on the supply chains, distribution, and sale of products of minority business enterprises and the mitigation of those effects;
(D) the management and practice of telework to reduce possible transmission of COVID–19;

(E) the management and practice of remote customer service by electronic or other means;

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

(G) the mitigation of the effects of reduced travel or outside activities on minority business enterprises during COVID–19 or similar occurrences; and

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

(3) No Matching Funds Required.—Matching funds shall not be required for any grant under this section.

(4) Goals and Metrics.—

(A) In General.—Goals and metrics for the funds made available under this section shall be jointly developed, negotiated, and agreed upon, with full participation of both parties, between the minority business centers, mi-
nority chambers of commerce, and the Agency, which shall—

(i) take into consideration the extent of the circumstances relating to the spread of COVID–19, or similar occurrences, that affect minority business enterprises located in the areas covered by minority business centers and minority chambers of commerce, particularly in rural areas or economically distressed areas;

(ii) generally follow the use of funds outlined in paragraph (2), but shall not restrict the activities of minority business centers and minority chambers of commerce in responding to unique situations; and

(iii) encourage minority business centers and minority chambers of commerce to develop and provide services to minority business enterprises.

(B) Public Availability.—The Agency shall make publicly available the methodology by which the Agency, minority business centers, and minority chambers of commerce jointly de-
velop the metrics and goals described in sub-
paragraph (A).

(c) WAIVERS.—

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

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

(A) the center notifies the Agency with re-
spect to that decision, which the center may
provide through electronic mail; and
(B) the Agency, not later than 15 days after the date on which the center provides notice to the Agency under subparagraph (A)—

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

(ii) accepts the decision of the center.

(d) REPORT.—Not later than 6 months after the date of enactment of this Act, and annually thereafter, the Agency shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Small Business and the Committee on Energy and Commerce of the House of Representatives a report that describes—

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

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

(B) the initial efforts to provide those services under subsection (b); and

(2) with respect to subsequent years covered by the report—
(A) with respect to the grant program under subsection (b)—

(i) the efforts of the Agency, minority business centers, and minority chambers of commerce to develop services to assist minority business enterprises;

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

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

(iv) other relevant outcome performance data with respect to minority business enterprises, including the number of employees affected, the effect on sales, the disruptions of supply chains, and the efforts made by the Agency, minority business centers, and minority chambers of commerce to mitigate these effects.
(c) Authorization of Appropriations.—There is authorized to be appropriated $10,000,000 to carry out this section, to remain available until expended.

SEC. 1108. CONTRACTING.

(a) Definition.—In this section, the term “covered entity” means a small business concern or nonprofit organization—

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

(2) for which the contractor performance is adversely impacted as a result of COVID–19.

(b) Promotion of Small Business Contracting.—

(1) Small business contracting relief.—

(A) In general.—Notwithstanding any other provision of law or regulation, and except as provided in subparagraph (B), during the period beginning on the date of enactment of this Act and ending on September 30, 2021, the head of the Federal agency with which a covered entity has a contract shall provide the covered entity with the greater of—

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

(ii) }
(ii) an additional amount of time to carry out the responsibilities of the covered entity under the contract that the head of the Federal agency determines to be appropriate after taking into consideration the severity of the adverse impact experienced by the covered entity.

(B) Exclusion of Mission-Critical Contracts.—Subparagraph (A) shall not apply to any contract that the head of the Federal agency that is a party to the contract determines is critical to carrying out the mission of the Federal agency.

(2) Payment Continuation.—If the performance of all or any part of the work of a Federal goods or services contract with a contractor that is a small business concern or a nonprofit organization in force and effect during the period beginning on the date of enactment of this Act and ending on September 30, 2021 is unavoidably delayed or interrupted by the inability of the employees of the small business concern or nonprofit organization, as applicable, to access Government facilities, systems, or other Government-provided resources due to restrictions related to COVID–19 that have been imposed
by any authority or due to orders or instructions
issued by the contracting agency in response to
COVID19—

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

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

(3) PROMPT PAYMENTS.—Notwithstanding any
other provision of law or regulation, during any pe-
period in which the President invokes the authorities
4501 et seq.), for any payment due by the head of
a Federal agency on a contract for an item of prop-
erty or service provided—
(A) with respect to a prime contractor (as defined in section 8701 of title 41, United States Code) that is a small business concern or nonprofit organization, the head of the Federal agency shall, to the fullest extent permitted by law and to the maximum extent practicable, establish an accelerated payment date of 15 days after a proper invoice for the amount due is received; and

(B) with respect to a prime contractor (as defined in section 8701 of title 41, United States Code) that subcontracts with a small business concern or nonprofit organization, the head of the Federal agency shall, to fullest extent permitted by law and to the maximum extent practicable, establish an accelerated payment date of 15 days after receipt of a proper invoice for the amount due if the prime contractor agrees to make payments to the subcontractor in accordance with the accelerated payment date, to the maximum extent practicable, without any further consideration from or fees charged to the subcontractor.

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

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

(1) the contract is mission-critical;

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

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

SEC. 1109. UNITED STATES TREASURY PROGRAM MANAGE-
MENT AUTHORITY.

(a) DEFINITIONS.—In this section—

(1) the terms “appropriate Federal banking
agency” and “insured depository institution” have
the meanings given those terms in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

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

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

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

(c) SAFETY AND SOUNDNESS.—An insured depository institution, insured credit union, institution of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), or other lender may
only participate in the program established under this sec-

tion if participation does not affect the safety and sound-
ness of the institution or lender, as determined by the Sec-

retary in consultation with the appropriate Federal bank-

ing agencies.

(d) REGULATIONS FOR LENDERS AND LOANS.—

(1) IN GENERAL.—The Secretary may issue

regulations and guidance as necessary to carry out

the purposes of this section, including to—

(A) allow additional lenders to originate

loans under this section; and

(B) establish terms and conditions for

loans under this section, including terms and

conditions concerning compensation, under-

writing standards, interest rates, and maturity.

(2) REQUIREMENTS.—The terms and condi-

tions established under paragraph (1) shall provide

for the following:

(A) A rate of interest that does not exceed

the maximum permissible rate of interest avail-

able on a loan of comparable maturity under

paragraph (36) of section 7(a) of the Small

Business Act (15 U.S.C. 636(a)), as added by

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

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

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

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

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

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

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

(D) Loan forgiveness under terms and conditions that, to the maximum extent prac-
ticable, are consistent with the terms and conditions for loan forgiveness under section 1105 of this Act.

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

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

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

(2) has not received such a loan during the period beginning on February 15, 2020 and ending on December 31, 2020.

(g) OPT-IN FOR SBA QUALIFIED LENDERS.—Lenders qualified to participate as a lender under 7(a) of the Small Business Act (15 U.S.C. 636(a)) may elect to participate in the paycheck protection program under the criteria, terms, and conditions established under this section. Such participation shall not preclude the lenders from con-
continuing participation as a lender under section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

(h) PROGRAM ADMINISTRATION.—With guidance from the Secretary, the Administrator shall administer the program established under this section, including the making and purchasing of guarantees on loans under the program, until the date on which the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) expires.

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

SEC. 1110. EMERGENCY EIDL GRANTS.

(a) DEFINITIONS.—In this section—

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

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

(B) a cooperative in operation on January 31, 2020; or
(C) an ESOP (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) in operation on January 31, 2020; and

(2) the term “covered period” means the period beginning on January 31, 2020 and ending on December 31, 2020.

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

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

(1) any rules related the personal guarantee on advances and loans of not more than $200,000 during the covered period for all applicants;

(2) the requirement that an applicant needs to be in business for the 1-year period before the disaster; and

(3) the requirement in the flush matter following subparagraph (E) of section 7(b)(2) of the
Small Business Act (15 U.S.C. 636(b)(2)), as so redesignated by subsection (f) of this section, that an applicant be unable to obtain credit elsewhere.

(d) Approval and Ability to Repay for Small Dollar Loans.—With respect to a loan made under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) in response to COVID–19 during the covered period, the Administrator may—

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

(2) use alternative appropriate methods to determine an applicant’s ability to repay.

(e) Emergency Grant.—

(1) In General.—During the covered period, an eligible entity that applies for a loan under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) in response to COVID–19 may request that the Administrator provide an advance in the amount requested by such applicant (not to exceed $10,000) to such applicant within 3 days after the Administrator receives an application from such applicant.
(2) VERIFICATION.—Before disbursing amounts under this subsection, the Administrator shall verify that the applicant is an eligible entity.

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

(A) providing paid sick leave to employees unable to work due to the direct effect of the COVID–19;

(B) maintaining payroll to retain employees during business disruptions or substantial slowdowns;

(C) meeting increased costs to obtain materials unavailable from the applicant’s original source due to interrupted supply chains;

(D) making rent or mortgage payments; and

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

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

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

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

(7) TERMINATION.—The authority to carry out
grants under this subsection shall terminate on De-

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

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

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

(4) by redesignating subparagraph (D) as subparagraph (E);

(5) by inserting after subparagraph (C) the following:

“(D) an emergency involving Federal primary responsibility determined to exist by the President under the section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)); or”; and

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

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

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

(C) by striking “disaster has occurred” and inserting “disaster or emergency has occurred”;

(D) by striking “such disaster” and inserting “such disaster or emergency”; and

(E) by striking “disaster stricken” and inserting “disaster- or emergency-stricken”; and
(7) in the flush matter following subparagraph (E), as so redesignated, by striking the period at the end and inserting the following: “: Provided further, that for purposes of subparagraph (D), the Administrator shall deem that such an emergency affects each State or subdivision thereof (including counties), and that each State or subdivision has sufficient economic damage to small business concerns to qualify for assistance under this paragraph and the Administrator shall accept applications for such assistance immediately.’’.

SEC. 1111. RESOURCES AND SERVICES IN LANGUAGES OTHER THAN ENGLISH.

(a) In General.—The Administrator shall provide the resources and services made available by the Administration to small business concerns in the 10 most commonly spoken languages, other than English, in the United States, which shall include Mandarin, Cantonese, Japanese, and Korean.

(b) Authorization of Appropriations.—There is authorized to be appropriated to the Administrator $25,000,000 to carry out this section.

SEC. 1112. SUBSIDY FOR CERTAIN LOAN PAYMENTS.

(a) Definition of Covered Loan.—In this section, the term “covered loan” means a loan that is—
(1) guaranteed by the Administration under—

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

(15 U.S.C. 636(a)), including a loan made
under the Community Advantage Pilot Program
of the Administration; or

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

(2) made by an intermediary to a small busi-
ness concern using loans or grants received under
section 7(m) of the Small Business Act (15 U.S.C.
636(m)).

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

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

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

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

(c) **Principal and Interest Payments.**—

(1) **In General.**—The Administrator shall pay the principal, interest, and any associated fees that are owed on a covered loan in a regular servicing status—

(A) with respect to a covered loan made before the date of enactment of this Act and not on deferment, for the 6-month period beginning with the next payment due on the covered loan;

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

(C) with respect to a covered loan made during the period beginning on the date of enactment of this Act and ending on the date that is 6 months after such date of enactment, for the 6-month period beginning with the first payment due on the covered loan.
(2) TIMING OF PAYMENT.—The Administrator shall begin making payments under paragraph (1) on a covered loan not later than 30 days after the date on which the first such payment is due.

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

(d) OTHER REQUIREMENTS.—The Administrator shall—

(1) communicate and coordinate with the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and State bank regulators to encourage those entities to not require lenders to increase their reserves on account of receiving payments made by the Administrator under subsection (c);

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

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

(A) not more than 60 days (which may be extended at the discretion of the Administration) after the occurrence of an adverse event, other than a payment default, causing a loan to be classified as in liquidation; and

(B) not more than 90 days after a payment default.

(e) Rule of Construction.—Nothing in this section may be construed to limit the authority of the Administrator to make payments pursuant to subsection (c) with respect to a covered loan solely because the covered loan has been sold in the secondary market.

(f) Authorization of Appropriations.—There is authorized to be appropriated to the Administrator $16,800,000,000 to carry out this section.

SEC. 1113. BANKRUPTCY.

(a) Small Business Debtor Reorganization.—

(1) In general.—Section 1182(1) of title 11, United States Code, is amended to read as follows:

“(1) Debtor.—The term ‘debtor’—

“(A) subject to subparagraph (B), means a person engaged in commercial or business ac-
tivities (including any affiliate of such person
that is also a debtor under this title and exclud-
ing a person whose primary activity is the busi-
ness of owning single asset real estate) that has
aggregate noncontingent liquidated secured and
unsecured debts as of the date of the filing of
the petition or the date of the order for relief
in an amount not more than $7,500,000 (ex-
cluding debts owed to 1 or more affiliates or in-
siders) not less than 50 percent of which arose
from the commercial or business activities of
the debtor; and

“(B) does not include—

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

“(ii) any debtor that is a corporation
subject to the reporting requirements
under section 13 or 15(d) of the Securities
Exchange Act of 1934 (15 U.S.C. 78m,
78o(d)); or
“(iii) any debtor that is an affiliate of an issuer, as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).”.

(2) Applicability of Chapters.—Section 103(i) of title 11, United States Code, is amended by striking “small business debtor” and inserting “debtor (as defined in section 1182)”.

(3) Application of Amendment.—The amendment made by paragraph (1) shall apply only with respect to cases commenced under title 11, United States Code, on or after the date of enactment of this Act.

(4) Technical Corrections.—

(A) Definition of Small Business Debtor.—Section 101(51D)(B)(iii) of title 11, United States Code, is amended to read as follows:

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

(B) Unclaimed Property.—Section 347(b) of title 11, United States Code, is
amended by striking “1194” and inserting “1191”.

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

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

(b) BANKRUPTCY RELIEF.—

(1) IN GENERAL.—

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

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

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

and

(iii) by adding at the end the following:

“(V) Payments made under Federal law relating to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to
the coronavirus disease 2019 (COVID–19).”.

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

(C) MODIFICATION OF PLAN AFTER CONFIRMATION.—Section 1329 of title 11, United States Code, is amended by adding at end the following:

“(d)(1) Subject to paragraph (3), for a plan confirmed prior to the date of enactment of this subsection, the plan may be modified upon the request of the debtor if—

“(A) the debtor is experiencing or has experienced a material financial hardship due, directly or indirectly, to the coronavirus disease 2019 (COVID–19) pandemic; and

“(B) the modification is approved after notice and a hearing.
“(2) A plan modified under paragraph (1) may not provide for payments over a period that expires more than 7 years after the time that the first payment under the original confirmed plan was due.

“(3) Sections 1322(a), 1322(b), 1323(c), and the requirements of section 1325(a) shall apply to any modification under paragraph (1).”.

(D) APPLICABILITY.—

(i) The amendments made by subparagraphs (A) and (B) shall apply to any case commenced before, on, or after the date of enactment of this Act.

(ii) The amendment made by subparagraph (C) shall apply to any case for which a plan has been confirmed under section 1325 of title 11, United States Code, before the date of enactment of this Act.

(2) SUNSET.—

(A) IN GENERAL.—

(i) EXCLUSION FROM CURRENT MONTHLY INCOME.—Section 101(10A)(B)(ii) of title 11, United States Code, is amended—
(I) in subclause (III), by striking the semicolon at the end and inserting ‘‘; and’’;

(II) in subclause (IV), by striking ‘‘; and’’ and inserting a period; and

(III) by striking subclause (V).

(ii) CONFIRMATION OF PLAN.—Section 1325(b)(2) of title 11, United States Code, is amended by striking ‘‘payments made under Federal law relating to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the coronavirus disease 2019 (COVID–19),’’.

(iii) MODIFICATION OF PLAN AFTER CONFIRMATION.—Section 1329 of title 11, United States Code, is amended by striking subsection (d).

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect on the date that is 1 year after the date of enactment of this Act.

SEC. 1114. EMERGENCY RULEMAKING AUTHORITY.

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

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

SEC. 2101. SHORT TITLE.
This subtitle may be cited as the “Relief for Workers Affected by Coronavirus Act”.

SEC. 2102. PANDEMIC UNEMPLOYMENT ASSISTANCE.
(a) DEFINITIONS.—In this section:

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

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

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

(A) means an individual who—
(i) is not eligible for regular compensation or extended benefits under State or Federal law, including an individual who has exhausted all rights to regular unemployment or extended benefits under State or Federal law; and

(ii) provides self-certification that the individual—

(I) is otherwise able to work and available for work within the meaning of applicable State law, except the individual is unemployed, partially unemployed, or unable or unavailable to work because—

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

(bb) a member of the individual’s household has been diagnosed with COVID-19;

(ce) the individual is providing care for a family member or a member of the individual’s
household who has been diagnosed with COVID-19;

(dd) a child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID-19 public health emergency and such school or facility care is required for the individual to work;

(ce) the individual is unable to reach the place of employment because of a quarantine imposed as a direct result of a COVID-19 outbreak;

(ff) the individual is unable to reach the place of employment because the individual has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;

(gg) the individual was scheduled to commence employ-
ment and does not have a job or is unable to reach the job as a direct result of a COVID-19 outbreak;

(hh) the individual has become the breadwinner or major support for a household because the head of the household has died as a direct result of COVID-19;

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

(jj) the individual’s place of employment is closed as a direct result of the COVID-19 public health emergency;

(kk) the individual meets any additional criteria established by the Secretary for unemployment assistance under this section; or

(II) is self-employed, is seeking part-time employment (if the State allows an individual to receive regular
unemployment compensation if the individual is seeking part-time employment), does not have sufficient work history, or otherwise would not qualify for regular unemployment under State or Federal law and becomes unemployed or cannot find work; and

(B) does not include—

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

(ii) an individual who is receiving paid sick leave or other paid leave benefits, regardless of whether the individual meets a qualification described in items (aa) through (jj) of subparagraph (A)(i)(I).

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

(5) STATE.—The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, Federated States of Micronesia, Republic of the Marshall Islands, and the Trust Territory of the Pacific Islands.
(b) **ASSISTANCE FOR UNEMPLOYMENT AS A RESULT**

of COVID-19.—Subject to subsection (c), the Secretary shall provide to any covered individual unemployment benefit assistance while such individual is unemployed, partially unemployed, or unable to work for the weeks of such unemployment with respect to which the individual is not entitled to any other unemployment compensation (as that term is defined in section 85(b) of title 26, United States Code) or waiting period credit.

(c) **APPLICABILITY.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the assistance authorized under subsection (b) shall be available to a covered individual—

(A) for weeks of unemployment, partial unemployment, or inability to work caused by COVID-19—

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

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

(B) subject to subparagraph (A)(ii), as long as the covered individual’s unemployment, partial unemployment, or inability to work caused by COVID-19 continues.
(2) Limitation on Duration of Assistance.—The total number of weeks for which a covered individual may receive assistance under this section shall not exceed 39 weeks and such total shall include any week for which the covered individual received regular compensation or extended benefits under any Federal or State law, except that if after the date of enactment of this Act, the duration of extended benefits is extended, the 39-week period described in this paragraph shall be extended by the number of weeks that is equal to the number of weeks by which the extended benefits were extended.

(3) Assistance for Unemployment Before Date of Enactment.—The Secretary shall establish a process for making assistance under this section available for weeks beginning on or after January 27, 2020, and before the date of enactment of this Act.

(d) Amount of Assistance.—

(1) In General.—The assistance authorized under subsection (b) for a week of unemployment, partial unemployment, or inability to work shall—

(A) be equal to the sum of —
(i) the weekly benefit amount authorized under the unemployment compensation law of the State where the covered individual was employed, except that the amount may not be less than the minimum weekly benefit amount described in section 625.6 of title 20, Code of Federal Regulations, or any successor thereto, and

(ii) the amount of Federal Pandemic Unemployment Compensation under section 2104; and

(B) in the case of an increase of the weekly benefit amount after the date of enactment of this Act, be increased in an amount equal to such increase.

(2) Calculations of amounts for certain covered individuals.—In the case of a covered individual who is self-employed, who lives in a territory described in subsection (c) or (d) of section 625.6 of title 20, Code of Federal Regulations, or who would not otherwise qualify for unemployment compensation under State law, the assistance authorized under subsection (b) for a week of unemployment shall be calculated in accordance with section 625.6 of title 20, Code of Federal Regulations,
or any successor thereto, and shall be increased by
the amount of Federal Pandemic Unemployment
Compensation under section 2104.

(e) Waiver of State Requirement.—Notwith-
standing State law, for purposes of assistance authorized
under this section, compensation under this Act shall be
made to an individual otherwise eligible for such com-
pensation without any waiting period.

(f) Agreements With States.—

(1) In General.—The Secretary shall provide
the assistance authorized under subsection (b)
through agreements with States which, in the judg-
ment of the Secretary, have an adequate system for
administering such assistance through existing State
agencies.

(2) Payments to States.—There shall be
paid to each State which has entered into an agree-
ment under this subsection an amount equal to 100
percent of—

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

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

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

(g) FUNDING.—

(1) ASSISTANCE.—

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

(B) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the extended unemployment compensation account such sums as the Secretary of Labor estimates to be necessary to make payments described in subparagraph (A). There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.

(2) ADMINISTRATIVE EXPENSES.—

(A) IN GENERAL.—Funds in the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used to make payments to States pursuant to subsection (f)(2)(B).
(B) Transfer of funds.—Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the employment security administration account such sums as the Secretary of Labor estimates to be necessary to make payments described in subparagraph (A).

There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.

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

(h) Non-application of the Paperwork Reduction Act.—Chapter 35 of title 44, United States Code (commonly referred to as the “Paperwork Reduction Act of 1995”), shall not apply to this section.
SEC. 2103. EMERGENCY UNEMPLOYMENT RELIEF FOR GOVERNMENTAL ENTITIES AND NONPROFIT ORGANIZATIONS.

(a) Flexibility in Paying Reimbursement.—The Secretary of Labor may issue clarifying guidance to allow States to interpret their State unemployment compensation laws in a manner that would provide maximum flexibility to reimbursing employers as it relates to timely payment and assessment of penalties and interest pursuant to such State laws.

(b) Federal Funding.—Section 903 of the Social Security Act (42 U.S.C. 1103) is amended by adding at the end the following:

"Transfers for Federal Reimbursement of State Unemployment Funds

"(i)(1)(A) In addition to any other amounts, the Secretary of Labor shall provide for the transfer of funds during the applicable period to the accounts of the States in the Unemployment Trust Fund, by transfer from amounts reserved for that purpose in the Federal unemployment account, in accordance with the succeeding provisions of this subsection.

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

“(C) Notwithstanding any other law, funds transferred to the account of a State under subparagraph (A) shall be used exclusively to reimburse governmental entities and other organizations described in section 3309(a)(2) of such Code for amounts paid (in lieu of contributions) into the State unemployment fund pursuant to such section.

“(D) For purposes of this paragraph, the term ‘applicable period’ means the period beginning on March 13, 2020, and ending on December 31, 2020.

“(2)(A) Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the Federal unemployment account such sums as the Secretary of Labor estimates to be necessary for purposes of making the transfers described in paragraph (1).
“(B) There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in subparagraph (A) and such sums shall not be required to be repaid.”.

(c) Operating Instructions or Other Guidance.—The Secretary of Labor may issue any operating instructions or other guidance necessary to carry out the amendments made by this section.

SEC. 2104. EMERGENCY INCREASE IN UNEMPLOYMENT COMPENSATION BENEFITS.

(a) Federal-State Agreements.—Any State which desires to do so may enter into and participate in an agreement under this section with the Secretary of Labor (in this section referred to as the “Secretary”). Any State which is a party to an agreement under this section may, upon providing 30 days’ written notice to the Secretary, terminate such agreement.

(b) Provisions of Agreement.—

(1) Federal Pandemic Unemployment Compensation.—Any agreement under this section shall provide that the State agency of the State will make payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law of the State were applied, with respect to any week for which the indi-
individual is (disregarding this section) otherwise entitled under the State law to receive regular compensation, as if such State law had been modified in a manner such that the amount of regular compensation (including dependents’ allowances) payable for any week shall be equal to—

(A) the amount determined under the State law (before the application of this paragraph), plus

(B) an additional amount of $600 (in this section referred to as “Federal Pandemic Unemployment Compensation”).

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

(A) as an amount which is paid at the same time and in the same manner as any regular compensation otherwise payable for the week involved; or

(B) at the option of the State, by payments which are made separately from, but on the same weekly basis as, any regular compensation otherwise payable.

(e) NONREDUCTION RULE.—
(1) IN GENERAL.—An agreement under this section shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the method governing the computation of regular compensation under the State law of that State has been modified in a manner such that the number of weeks (the maximum benefit entitlement), and the average weekly benefit amount, of regular compensation which will be payable during the period of the agreement (determined disregarding any Federal Pandemic Unemployment Compensation) will be less than the number of weeks, and the average weekly benefit amount, of the average weekly benefit amount of regular compensation which would otherwise have been payable during such period under the State law, as in effect on January 1, 2020.

(2) MAXIMUM BENEFIT ENTITLEMENT.—In paragraph (1), the term “maximum benefit entitlement” means the amount of regular unemployment compensation payable to an individual with respect to the individual’s benefit year.

(d) PAYMENTS TO STATES.—

(1) IN GENERAL.—
(A) Full Reimbursement.—There shall be paid to each State which has entered into an agreement under this section an amount equal to 100 percent of—

(i) the total amount of Federal Pandemic Unemployment Compensation paid to individuals by the State pursuant to such agreement; and

(ii) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(B) Terms of Payments.—Sums payable to any State by reason of such State’s having an agreement under this section shall be payable, either in advance or by way of reimbursement (as determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the
basis of such statistical, sampling, or other
method as may be agreed upon by the Secretary
and the State agency of the State involved.

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

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

c) APPLICABILITY.—An agreement entered into
under this section shall apply to weeks of unemployment—

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

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

(f) FRAUD AND OVERPAYMENTS.—

(1) IN GENERAL.—If an individual knowingly
has made, or caused to be made by another, a false
statement or representation of a material fact, or
knowingly has failed, or caused another to fail, to
disclose a material fact, and as a result of such false
statement or representation or of such nondisclosure
such individual has received an amount of Federal
Pandemic Unemployment Compensation to which such individual was not entitled, such individual—

(A) shall be ineligible for further Federal Pandemic Unemployment Compensation in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

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

(2) Repayment.—In the case of individuals who have received amounts of Federal Pandemic Unemployment Compensation to which they were not entitled, the State shall require such individuals to repay the amounts of such Federal Pandemic Unemployment Compensation to the State agency, except that the State agency may waive such repayment if it determines that—

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

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

(3) Recovery by state agency.—
(A) IN GENERAL.—The State agency shall recover the amount to be repaid, or any part thereof, by deductions from any Federal Pandemic Unemployment Compensation payable to such individual or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the Federal Pandemic Unemployment Compensation to which they were not entitled, in accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State.

(B) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.
(4) **Review.**—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

(g) **Application to Other Unemployment Benefits.**—Each agreement under this section shall include provisions to provide that the purposes of the preceding provisions of this section shall be applied with respect to unemployment benefits described in subsection (i)(2) to the same extent and in the same manner as if those benefits were regular compensation.

(h) **Disregard of Additional Compensation for Purposes of Medicaid and CHIP.**—The monthly equivalent of any Federal pandemic unemployment compensation paid under this section shall be disregarded in considering the amount of income of an individual for any purposes under title XIX and title XXI of the Social Security Act.

(i) **Definitions.**—For purposes of this section—

(1) the terms “compensation”, “regular compensation”, “benefit year”, “State”, “State agency”, “State law”, and “week” have the respective meanings given such terms under section 205 of the Fed-
eral-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note); and

(2) any reference to unemployment benefits described in this paragraph shall be considered to refer to—

(A) extended compensation (as defined by section 205 of the Federal-State Extended Unemployment Compensation Act of 1970);

(B) regular compensation (as defined by section 85(b) of the Internal Revenue Code of 1986) provided under any program administered by a State under an agreement with the Secretary; and

(C) pandemic unemployment assistance under section 2102.

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

SEC. 2105. TEMPORARY FULL FEDERAL FUNDING OF THE FIRST WEEK OF COMPENSABLE REGULAR UNEMPLOYMENT FOR STATES WITH NO WAITING WEEK.

(a) FEDERAL-STATE AGREEMENTS.—Any State which desires to do so may enter into and participate in
an agreement under this section with the Secretary of Labor (in this section referred to as the ‘‘Secretary’’). Any State which is a party to an agreement under this section may, upon providing 30 days’ written notice to the Secretary, terminate such agreement.

(b) Requirement That State Law Does Not Apply a Waiting Week.—A State is eligible to enter into an agreement under this section if the State law (including a waiver of State law) provides that compensation is paid to individuals for their first week of regular unemployment without a waiting week. An agreement under this section shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the State law no longer meets the requirement under the preceding sentence.

(e) Payments to States.—

(1) Full Reimbursement.—There shall be paid to each State which has entered into an agreement under this section an amount equal to 100 percent of—

(A) the total amount of regular compensation paid to individuals by the State for their first week of regular unemployment; and
(B) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(2) TERMS OF PAYMENTS.—Sums payable to any State by reason of such State’s having an agreement under this section shall be payable, either in advance or by way of reimbursement (as determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(d) FUNDING.—

(1) COMPENSATION.—

(A) IN GENERAL.—Funds in the Federal unemployment account (as established by section 905(g)) of the Unemployment Trust Fund (as established by section 904(a)) shall be used to make payments under subsection (c)(1)(A).
(B) Transfer of funds.—Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the Federal unemployment account such sums as the Secretary of Labor estimates to be necessary to make payments described in subparagraph (A). There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.

(2) Administrative expenses.—

(A) In general.—Funds in the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used to make payments to States pursuant to subsection (c)(1)(B).

(B) Transfer of funds.—Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not
otherwise appropriated) to the employment se-
curity administration account such sums as the
Secretary of Labor estimates to be necessary to
make payments described in subparagraph (A).
There are appropriated from the general fund
of the Treasury, without fiscal year limitation,
the sums referred to in the preceding sentence
and such sums shall not be required to be re-
paid.

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

(e) APPLICABILITY.—An agreement entered into
under this section shall apply to weeks of unemployment—
(1) beginning after the date on which such
agreement is entered into; and
(2) ending on or before December 31, 2020.

(f) FRAUD AND OVERPAYMENTS.—The provisions of
section 2107(e) shall apply with respect to compensation
paid under an agreement under this section to the same
extent and in the same manner as in the case of pandemic
emergency unemployment compensation under such sec-
tion.
(g) DEFINITIONS.—For purposes of this section, the terms “regular compensation”, “State”, “State agency”, “State law”, and “week” have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

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

SEC. 2106. EMERGENCY STATE STAFFING FLEXIBILITY.

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

(1) by striking “or employer experience rating” and inserting “employer experience rating, or, subject to the succeeding sentence, personnel standards on a merit basis”; and

(2) by adding at the end the following new sentence: “The emergency flexibility for personnel standards on a merit basis shall only apply through December 31, 2020, and is limited to engaging of temporary staff, rehiring of retirees or former employees on a non-competitive basis, and other tem-
porary actions to quickly process applications and
claims.”.

SEC. 2107. PANDEMIC EMERGENCY UNEMPLOYMENT COM-
PENSATION.

(a) Federal-State Agreements.—

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

(2) Provisions of agreement.—Any agree-
ment under paragraph (1) shall provide that the
State agency of the State will make payments of
pandemic emergency unemployment compensation to
individuals who—

(A) have exhausted all rights to regular
compensation under the State law or under
Federal law with respect to a benefit year (ex-
cluding any benefit year that ended before
July 1, 2019);

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

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

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

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

(A) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual’s base period; or

(B) such individual’s rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

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

(A) the amount of pandemic emergency unemployment compensation which shall be
payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents’ allowances) payable to such individual during such individual’s benefit year under the State law for a week of total unemployment;

(B) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof (including terms and conditions relating to availability for work, active search for work, and refusal to accept work) shall apply to claims for pandemic emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this section or with the regulations or operating instructions of the Secretary promulgated to carry out this section; and

(C) the maximum amount of pandemic emergency unemployment compensation payable to any individual for whom an pandemic emergency unemployment compensation account is established under subsection (b) shall not exceed the amount established in such account for such individual.
(5) **COORDINATION RULE.**—An agreement under this section shall apply with respect to a State only upon a determination by the Secretary that, under the State law or other applicable rules of such State, the payment of extended compensation for which an individual is otherwise eligible must be deferred until after the payment of any pandemic emergency unemployment compensation under subsection (b) for which the individual is concurrently eligible.

(6) **NONREDUCTION RULE.**—

(A) **IN GENERAL.**—An agreement under this section shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the method governing the computation of regular compensation under the State law of that State has been modified in a manner such that the number of weeks (the maximum benefit entitlement), and the average weekly benefit amount, of regular compensation which will be payable during the period of the agreement will be less than the number of weeks, and the average weekly benefit amount, of the average weekly benefit amount of regular compensation which would
otherwise have been payable during such period under the State law, as in effect on January 1, 2020.

(B) Maximum benefit entitlement.—

In subparagraph (A), the term “maximum benefit entitlement” means the amount of regular unemployment compensation payable to an individual with respect to the individual’s benefit year.

(7) Actively seeking work.—

(A) In general.—Subject to subparagraph (C), for purposes of paragraph (2)(B), the term “actively seeking work” means, with respect to any individual, that such individual—

(i) is registered for employment services in such a manner and to such extent as prescribed by the State agency;

(ii) has engaged in an active search for employment that is appropriate in light of the employment available in the labor market, the individual’s skills and capabilities, and includes a number of employer contacts that is consistent with the standards communicated to the individual by the State;
(iii) has maintained a record of such work search, including employers contacted, method of contact, and date contacted; and

(iv) when requested, has provided such work search record to the State agency.

(B) RANDOM AUDITING.—The Secretary shall establish for each State a minimum number of claims for which work search records must be audited on a random basis in any given week.

(C) FLEXIBILITY.—Notwithstanding the requirements under subparagraph (A) and paragraph (2)(D). a State shall provide flexibility in meeting such requirements in case of individuals unable to search for work because of COVID-19, including because of illness, quarantine, or movement restriction.

(b) PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT.—

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

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

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

(e) PAYMENTS TO STATES HAVING AGREEMENTS
FOR THE PAYMENT OF PANDEMIC EMERGENCY UNEM-
PLOYMENT COMPENSATION.—

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

(2) TREATMENT OF REIMBURSABLE COMPENSA-
tion.—No payment shall be made to any State
under this section in respect of any compensation to
the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this section or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this section in respect of such compensation.

(3) Determination of Amount.—Sums payable to any State by reason of such State having an agreement under this section shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary’s estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(d) Financing Provisions.—

(1) Compensation.—
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(A) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this section.

(B) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the extended unemployment compensation account such sums as the Secretary of Labor estimates to be necessary to make payments described in subparagraph (A). There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.

(2) ADMINISTRATION.—

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

(B) Transfer of Funds.—Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the employment security administration account such sums as the Secretary of Labor estimates to be necessary to make payments described in subparagraph (A).

There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.

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

(e) FRAUD AND OVERPAYMENTS.—

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

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

(B) shall be subject to prosecution under
section 1001 of title 18, United States Code.
(2) REPAYMENT.—In the case of individuals who have received amounts of pandemic emergency unemployment compensation under this section to which they were not entitled, the State shall require such individuals to repay the amounts of such pandemic emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(A) the payment of such pandemic emergency unemployment compensation was without fault on the part of any such individual; and

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

(3) RECOVERY BY STATE AGENCY.—

(A) IN GENERAL.—The State agency shall recover the amount to be repaid, or any part thereof, by deductions from any pandemic emergency unemployment compensation payable to such individual under this section or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assist-
ance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the pandemic emergency unemployment compensation to which they were not entitled, in accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State.

(B) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(4) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

(f) DEFINITIONS.—In this section, the terms “compensation”, “regular compensation”, “extended compensation”, “benefit year”, “base period”, “State”, “State agency”, “State law”, and “week” have the respective meanings given such terms under section 205 of the Fed-
eral-State Extended Unemployment Compensation Act of

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

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

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

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

(a) PAYMENTS TO STATES.—

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

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

(3) LIMITATIONS ON PAYMENTS.—

(A) GENERAL PAYMENT LIMITATIONS.— No payments shall be made to a State under this section for short-time compensation paid to an individual by the State during a benefit year in excess of 26 times the amount of regular compensation (including dependents’ allowances) under the State law payable to such individual for a week of total unemployment.

(B) EMPLOYER LIMITATIONS.—No payments shall be made to a State under this section for benefits paid to an individual by the State under a short-time compensation program if such individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.

(b) APPLICABILITY.—Payments to a State under subsection (a) shall be available for weeks of unemployment—
(1) beginning on or after the date of the enactment of this Act; and

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

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

(d) FUNDING AND CERTIFICATIONS.—

(1) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary for purposes of carrying out this section.

(2) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(e) DEFINITIONS.—In this section:

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

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


SEC. 2109. TEMPORARY FINANCING OF SHORT-TIME COMPENSATION AGREEMENTS.

(a) Federal-State Agreements.—

(1) In general.—Any State which desires to do so may enter into, and participate in, an agreement under this section with the Secretary provided that such State’s law does not provide for the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986).

(2) Ability to terminate.—Any State which is a party to an agreement under this section may, upon providing 30 days’ written notice to the Secretary, terminate such agreement.

(b) Provisions of Federal-State Agreement.—

(1) In general.—Any agreement under this section shall provide that the State agency of the
State will make payments of short-time compensation under a plan approved by the State. Such plan shall provide that payments are made in accordance with the requirements under section 3306(v) of the Internal Revenue Code of 1986.

(2) LIMITATIONS ON PLANS.—

(A) GENERAL PAYMENT LIMITATIONS.—A short-time compensation plan approved by a State shall not permit the payment of short-time compensation to an individual by the State during a benefit year in excess of 26 times the amount of regular compensation (including dependents’ allowances) under the State law payable to such individual for a week of total unemployment.

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

(3) EMPLOYER PAYMENT OF COSTS.—Any short-time compensation plan entered into by an employer must provide that the employer will pay the State an amount equal to one-half of the amount of
short-time compensation paid under such plan. Such amount shall be deposited in the State’s unemployment fund and shall not be used for purposes of calculating an employer’s contribution rate under section 3303(a)(1) of the Internal Revenue Code of 1986.

(c) Payments to States.—

(1) In general.—There shall be paid to each State with an agreement under this section an amount equal to—

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

(B) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(2) Terms of payments.—Payments made to a State under paragraph (1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary’s estimates for any prior calendar month were greater or less than the amounts which should have been paid.
to the State. Such estimates may be made on the
basis of such statistical, sampling, or other method
as may be agreed upon by the Secretary and the
State agency of the State involved.

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

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

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

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

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

(e) SPECIAL RULE.—If a State has entered into an
agreement under this section and subsequently enacts a
State law providing for the payment of short-time com-
penation under a short-time compensation program that
meets the definition of such a program under section
3306(v) of the Internal Revenue Code of 1986, the
State—
(1) shall not be eligible for payments under this section for weeks of unemployment beginning after the effective date of such State law; and

(2) subject to section 2108(b)(2), shall be eligible to receive payments under section 2108 after the effective date of such State law.

(f) DEFINITIONS.—In this section:

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

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

SEC. 2110. GRANTS FOR SHORT-TIME COMPENSATION PROGRAMS.

(a) GRANTS.—

(1) FOR IMPLEMENTATION OR IMPROVED ADMINISTRATION.—The Secretary shall award grants to States that enact short-time compensation programs (as defined in subsection (i)(2)) for the purpose of implementation or improved administration of such programs.

(2) FOR PROMOTION AND ENROLLMENT.—The Secretary shall award grants to States that are eli-
ble and submit plans for a grant under paragraph (1) for such States to promote and enroll employers in short-time compensation programs (as so defined).

(3) Eligibility.—

(A) In general.—The Secretary shall determine eligibility criteria for the grants under paragraphs (1) and (2).

(B) Clarification.—A State administering a short-time compensation program that does not meet the definition of a short-time compensation program under section 3306(v) of the Internal Revenue Code of 1986, and a State with an agreement under section 2109, shall not be eligible to receive a grant under this section until such time as the State law of the State provides for payments under a short-time compensation program that meets such definition and such law.

(b) Amount of Grants.—

(1) In general.—The maximum amount available for making grants to a State under paragraphs (1) and (2) shall be equal to the amount obtained by multiplying $100,000,000 (less the amount used by the Secretary under subsection (e)) by the same
ratio as would apply under subsection (a)(2)(B) of section 903 of the Social Security Act (42 U.S.C. 1103) for purposes of determining such State’s share of any excess amount (as described in subsection (a)(1) of such section) that would have been subject to transfer to State accounts, as of October 1, 2019, under the provisions of subsection (a) of such section.

(2) Amount available for different grants.—Of the maximum incentive payment determined under paragraph (1) with respect to a State—

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

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

(c) Grant application and disbursal.—

(1) Application.—Any State seeking a grant under paragraph (1) or (2) of subsection (a) shall submit an application to the Secretary at such time, in such manner, and complete with such information as the Secretary may require. In no case may the Secretary award a grant under this section with respect to an application that is submitted after December 31, 2023.
(2) NOTICE.—The Secretary shall, within 30 days after receiving a complete application, notify the State agency of the State of the Secretary’s findings with respect to the requirements for a grant under paragraph (1) or (2) (or both) of subsection (a).

(3) CERTIFICATION.—If the Secretary finds that the State law provisions meet the requirements for a grant under subsection (a), the Secretary shall thereupon make a certification to that effect to the Secretary of the Treasury, together with a certification as to the amount of the grant payment to be transferred to the State account in the Unemployment Trust Fund (as established in section 904(a) of the Social Security Act (42 U.S.C. 1104(a))) pursuant to that finding. The Secretary of the Treasury shall make the appropriate transfer to the State account within 7 days after receiving such certification.

(4) REQUIREMENT.—No certification of compliance with the requirements for a grant under paragraph (1) or (2) of subsection (a) may be made with respect to any State whose—

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

(B) short-time compensation program is subject to discontinuation or is not scheduled to take effect within 12 months of the certification.

(d) USE OF FUNDS.—The amount of any grant awarded under this section shall be used for the implementation of short-time compensation programs and the overall administration of such programs and the promotion and enrollment efforts associated with such programs, such as through—

(1) the creation or support of rapid response teams to advise employers about alternatives to layoffs;

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

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

(A) the submission and approval of plans; and
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(B) the filing and approval of new and on-

going short-time compensation claims.

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

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

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

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

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

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

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

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

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

SEC. 2111. ASSISTANCE AND GUIDANCE IN IMPLEMENTING PROGRAMS.

(a) IN GENERAL.—In order to assist States in establishing, qualifying, and implementing short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986), the Secretary of Labor (in this section referred to as the “Secretary”) shall—

(1) develop model legislative language, or disseminate existing model legislative language, which may be used by States in developing and enacting such programs and periodically review and revise such model legislative language;
(2) provide technical assistance and guidance in developing, enacting, and implementing such programs;

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

(A) the number of estimated averted layoffs;

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

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

(b) MODEL LANGUAGE AND GUIDANCE.—The model language and guidance developed under subsection (a) shall allow sufficient flexibility by States and participating employers while ensuring accountability and program integrity.

(c) CONSULTATION.—In developing the model legislative language and guidance under subsection (a), and in order to meet the requirements of subsection (b), the Secretary shall consult with employers, labor organizations, State workforce agencies, and other program experts. Existing model legislative language that has been developed through such a consultative process shall be deemed to meet the consultation requirement of this subsection.
(d) **REPEAL.**—Section 4104 of the Emergency Unemployment Stabilization and Access Act of 2020 (contained in division D of the Families First Coronavirus Response Act) is repealed.

**SEC. 2112. WAIVER OF THE 7-DAY WAITING PERIOD FOR BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.**

(a) **No Waiting Week.**—With respect to any registration period beginning after the date of enactment of this Act and ending on or before December 31, 2020, subparagraphs (A)(ii) and (B)(ii) of section 2(a)(1) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(a)(1)) shall not apply.

(b) **Regulations.**—The Railroad Retirement Board may prescribe any operating instructions or regulations necessary to carry out this section.

(c) **Funding.**—Out of any funds in the Treasury not otherwise appropriated, there are appropriated $50,000,000 to cover the costs of additional benefits payable due to the application of subsection (a). Upon the exhaustion of the funds appropriated under this subsection, subsection (a) shall no longer apply with respect to any registration period beginning after the date of exhaustion of funds.
(d) Definition of Registration Period.—For purposes of this section, the term “registration period” has the meaning given such term under section 1 of the Railroad Unemployment Insurance Act (45 U.S.C. 351).

SEC. 2113. ENHANCED BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

Section 2(a) of the Railroad Unemployment Insurance Act (45 U.S.C. § 352(a)) is amended by adding at the end the following:

“(5)(A) Notwithstanding paragraph (3), subsection (c)(1)(B), and any other limitation on total benefits in this Act, for registration periods beginning on or after April 1, 2020, but on or before July 31, 2020, a recovery benefit in the amount of $1,200 shall be payable to a qualified employee with respect to any registration period in which the employee received unemployment benefits under paragraph (1)(A), and in any registration period in which the employee did not receive unemployment benefits due to the limitation in subsection (c)(1)(B) or due to reaching the maximum number of days of benefits in the benefit year beginning July 1, 2019, under subsection (c)(1)(A). No recovery benefits shall be payable under this section upon the exhaustion of the funds appropriated under subparagraph (B) for payment of benefits under this subparagraph.
“(B) Out of any funds in the Treasury not otherwise appropriated, there are appropriated $425,000,000 to cover the cost of recovery benefits provided under subparagraph (A), to remain available until expended.”.

SEC. 2114. EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) Extension.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)(D)(iii)) is amended—

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

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

(3) by striking “December 31, 2013” and inserting “December 31, 2020”.

(b) Clarification on Authority to Use Funds.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section
Subtitle B—Rebates and Other Individual Provisions

SEC. 2201. 2020 RECOVERY REBATES FOR INDIVIDUALS.

(a) In General.—Subchapter B of chapter 65 of subtitle F of the Internal Revenue Code of 1986 is amended by inserting after section 6427 the following new section:

“SEC. 6428. 2020 RECOVERY REBATES FOR INDIVIDUALS.

“(a) In General.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by subtitle A for the first taxable year beginning in 2020 an amount equal to the sum of—

“(1) $1,200 ($2,400 in the case of eligible individuals filing a joint return), plus

“(2) an amount equal to the product of $500 multiplied by the number of qualifying children (within the meaning of section 24(c)) of the taxpayer.

“(b) Treatment of Credit.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

“(c) Limitation Based on Adjusted Gross Income.—The amount of the credit allowed by subsection
(a) (determined without regard to this subsection and sub-
section (e)) shall be reduced (but not below zero) by 5
percent of so much of the taxpayer’s adjusted gross in-
come as exceeds—

“(1) $150,000 in the case of a joint return,
“(2) $112,500 in the case of a head of house-
hold, and
“(3) $75,000 in the case of a taxpayer not de-
scribed in paragraph (1) or (2).

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

“(1) any nonresident alien individual,
“(2) any individual with respect to whom a de-
duction under section 151 is allowable to another
taxpayer for a taxable year beginning in the cal-
endar year in which the individual’s taxable year be-
gins, and
“(3) an estate or trust.

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

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

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

“(f) ADVANCE REFUNDS AND CREDITS.—

“(1) IN GENERAL.—Subject to paragraph (5), each individual who was an eligible individual for such individual’s first taxable year beginning in 2019 shall be treated as having made a payment against the tax imposed by chapter 1 for such taxable year in an amount equal to the advance refund amount for such taxable year.

“(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such taxable year if this section (other than subsection (e) and this subsection) had applied to such taxable year.

“(3) TIMING OF PAYMENTS.—The Secretary shall, subject to the provisions of this title, refund
or credit any overpayment attributable to this section as rapidly as possible. No refund or credit shall be made or allowed under this subsection after December 31, 2020.

“(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this section.

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

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

“(B) if the individual has not filed a tax return for such individual’s first taxable year beginning in 2018, use information with respect to such individual for calendar year 2019 provided in—

“(i) Form SSA-1099, Social Security Benefit Statement, or

“(ii) Form RRB-1099, Social Security Equivalent Benefit Statement.

“(6) NOTICE TO TAXPAYER.—Not later than 15 days after the date on which the Secretary distrib-
uted any payment to an eligible taxpayer pursuant to this subsection, notice shall be sent by mail to such taxpayer’s last known address. Such notice shall indicate the method by which such payment was made, the amount of such payment, and a phone number for the appropriate point of contact at the Internal Revenue Service to report any failure to receive such payment.

“(g) Identification Number Requirement.—

“(1) In General.—No credit shall be allowed under subsection (a) to an eligible individual who does not include on the return of tax for the taxable year—

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

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

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

“(2) Valid Identification Number.—

“(A) In General.—For purposes of paragraph (1), the term ‘valid identification num-
ber’ means a social security number (as such
term is defined in section 24(h)(7)).

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

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

“(4) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Any omission of a correct valid identi-
fication number required under this subsection shall
be treated as a mathematical or clerical error for
purposes of applying section 6213(g)(2) to such
omission.

“(h) REGULATIONS.—The Secretary shall prescribe
such regulations or other guidance as may be necessary
to carry out the purposes of this section, including any
such measures as are deemed appropriate to avoid allowing multiple credits or rebates to a taxpayer.”.

(b) Administrative Amendments.—

(1) Definition of deficiency.—Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended by striking “and 36B, 168(k)(4)” and inserting “36B, and 6428”.

(2) Mathematical or clerical error authority.—Section 6213(g)(2)(L) of such Code is amended by striking “or 32” and inserting “32, or 6428”.

(c) Treatment of Possessions.—

(1) Payments to possessions.—

(A) Mirror code possession.—The Secretary of the Treasury shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the amendments made by this section. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(B) Other possessions.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror
code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to its residents.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes under section 6428 of the Internal Revenue Code of 1986 (as added by this section) to any person—

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

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

(3) DEFINITIONS AND SPECIAL RULES.—
(A) Possession of the United States.—For purposes of this subsection, the term “possession of the United States” includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) Mirror Code Tax System.—For purposes of this subsection, the term “mirror code tax system” means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) Treatment of Payments.—For purposes of section 1324 of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(d) Exception From Reduction or Offset.—Any credit or refund allowed or made to any individual by reason of section 6428 of the Internal Revenue Code
of 1986 (as added by this section) or by reason of sub-
section (e) of this section shall not be—

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

(2) subject to reduction or offset pursuant to
subsection (d), (e), or (f) of section 6402 of the In-
ternal Revenue Code of 1986, or

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

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

(f) APPROPRIATIONS TO CARRY OUT REBATES.—

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

(A) Department of the Treasury.—

(i) For an additional amount for “Department of the Treasury—Bureau of the Fiscal Service—Salaries and Expenses”, $78,650,000, to remain available until September 30, 2021.

(ii) For an additional amount for “Department of the Treasury—Internal Revenue Service—Taxpayer Services”, $293,500,000, to remain available until September 30, 2021.

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

(iv) For an additional amount for “Department of Treasury—Internal Revenue Service—Enforcement”, $37,200,000, to remain available until September 30, 2021.

Amounts made available in appropriations under clauses (ii), (iii), and (iv) of this subpar-
graph may be transferred between such appro-
priations upon the advance notification of the
Committees on Appropriations of the House of
Representatives and the Senate. Such transfer
authority is in addition to any other transfer
authority provided by law.

(B) Social Security Administration.—
For an additional amount for “Social Security
Administration—Limitation on Administrative
Expenses”, $38,000,000, to remain available
until September 30, 2021.

(2) Reports.—No later than 15 days after en-
actment of this Act, the Secretary of the Treasury
shall submit a plan to the Committees on Appropri-
ations of the House of Representatives and the Sen-
ate detailing the expected use of the funds provided
by paragraph (1)(A). Beginning 90 days after enact-
ment of this Act, the Secretary of the Treasury shall
submit a quarterly report to the Committees on Ap-
propriations of the House of Representatives and the
Senate detailing the actual expenditure of funds pro-
vided by paragraph (1)(A) and the expected expendi-
ture of such funds in the subsequent quarter.

(g) Conforming Amendments.—
(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “6428,” after “54B(h),”.

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

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

SEC. 2202. SPECIAL RULES FOR USE OF RETIREMENT FUNDS.

(a) Tax-Favored Withdrawals From Retirement Plans.—

(1) In general.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any coronavirus-related distribution.

(2) Aggregate dollar limitation.—

(A) In general.—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as coronavirus-related distributions for any taxable year shall not exceed $100,000.

(B) Treatment of plan distributions.—If a distribution to an individual would (without regard to subparagraph (A)) be a coronavirus-related distribution, a plan shall not be treated as violating any requirement of the
Internal Revenue Code of 1986 merely because
the plan treats such distribution as a
coronavirus-related distribution, unless the ag-
gregate amount of such distributions from all
plans maintained by the employer (and any
member of any controlled group which includes
the employer) to such individual exceeds
$100,000.

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

(3) AMOUNT DISTRIBUTED MAY BE REPAID.—

(A) IN GENERAL.—Any individual who re-
ceives a coronavirus-related distribution may, at
any time during the 3-year period beginning on
the day after the date on which such distribu-
tion was received, make 1 or more contributions
in an aggregate amount not to exceed the
amount of such distribution to an eligible retire-
ment plan of which such individual is a bene-
ficiary and to which a rollover contribution of
such distribution could be made under section
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402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), of the Internal Revenue Code of 1986, as the case may be.

(B) Treatment of repayments of distributions from eligible retirement plans other than IRAs.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a coronavirus-related distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the coronavirus-related distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(C) Treatment of repayments of distributions from IRAs.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a coronavirus-related distribution from an individual retirement plan (as de-
fined by section 7701(a)(37) of such Code),
then, to the extent of the amount of the con-
tribution, the coronavirus-related distribution
shall be treated as a distribution described in
section 408(d)(3) of such Code and as having
been transferred to the eligible retirement plan
in a direct trustee to trustee transfer within 60
days of the distribution.

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

(A) CORONAVIRUS-RELATED DISTRIBUTION.—Except as provided in paragraph (2),
the term “coronavirus-related distribution”
means any distribution from an eligible retire-
ment plan made—

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

(ii) to an individual—

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

(II) whose spouse or dependent
(as defined in section 152 of the In-
ternal Revenue Code of 1986) is diagnosed with such virus or disease by such a test, or

(III) who experiences adverse financial consequences as a result of being quarantined, being furloughed or laid off or having work hours reduced due to such virus or disease, being unable to work due to lack of child care due to such virus or disease, closing or reducing hours of a business owned or operated by the individual due to such virus or disease, or other factors as determined by the Secretary of the Treasury (or the Secretary’s delegate).

(B) EMPLOYEE CERTIFICATION.—The administrator of an eligible retirement plan may rely on an employee’s certification that the employee satisfies the conditions of subparagraph (A)(ii) in determining whether any distribution is a coronavirus-related distribution.

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

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

(A) **In general.**—In the case of any coronavirus-related distribution, unless the taxpayer elects not to have this paragraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable-year period beginning with such taxable year.

(B) **Special rule.**—For purposes of subparagraph (A), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of the Internal Revenue Code of 1986 shall apply.

(6) **Special rules.**—

(A) **Exemption of distributions from trustee to trustee transfer and withholding rules.**—For purposes of sections 401(a)(31), 402(f), and 3405 of the Internal Revenue Code of 1986, coronavirus-related distributions shall not be treated as eligible rollover distributions.

(B) **Coronavirus-related distributions treated as meeting plan distribu-
TION REQUIREMENTS.—For purposes of the Internal Revenue Code of 1986, a coronavirus-related distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(i), 403(b)(11), and 457(d)(1)(A) of such Code.

(b) LOANS FROM QUALIFIED PLANS.—

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

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

(B) clause (ii) of such section shall be applied by substituting “the present value of the nonforfeitable accrued benefit of the employee under the plan” for “one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan”.

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

(A) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning on the date of the enactment of this Act and ending on December 31, 2020, such due date shall be delayed for 1 year,

(B) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under subparagraph (A) and any interest accruing during such delay, and

(C) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, the period described in subparagraph (A) of this paragraph shall be disregarded.

(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection, the term “qualified individual” means any individual who is described in subsection (a)(4)(A)(ii).
(c) Provisions Relating to Plan Amendments.—

(1) In general.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

(2) Amendments to which subsection applies.—

(A) In general.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

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

(ii) on or before the last day of the first plan year beginning on or after January 1, 2022, or such later date as the Secretary of the Treasury (or the Secretary’s delegate) may prescribe.

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

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

(i) during the period—

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

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

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

(ii) such plan or contract amendment
applies retroactively for such period.
SEC. 2203. TEMPORARY WAIVER OF REQUIRED MINIMUM DISTRIBUTION RULES FOR CERTAIN RETIREMENT PLANS AND ACCOUNTS.

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

“(I) Temporary waiver of minimum required distribution.—

“(i) In general.—The requirements of this paragraph shall not apply for calendar year 2020 to—

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

“(II) a defined contribution plan which is an eligible deferred compensation plan described in section 457(b) but only if such plan is maintained by an employer described in section 457(e)(1)(A), or

“(III) an individual retirement plan.

“(ii) Special rule for required beginning dates in 2020.—Clause (i) shall apply to any distribution which is re-
required to be made in calendar year 2020
by reason of—

“(I) a required beginning date
occurring in such calendar year, and

“(II) such distribution not having
been made before January 1, 2020.

“(iii) Special rules regarding
waiver period.—For purposes of this
paragraph—

“(I) the required beginning date
with respect to any individual shall be
determined without regard to this
subparagraph for purposes of applying
this paragraph for calendar years
after 2020, and

“(II) if clause (ii) of subpara-
graph (B) applies, the 5-year period
described in such clause shall be de-
determined without regard to calendar
year 2020.”.

(b) Eligible Rollover Distributions.—Section
402(c)(4) of the Internal Revenue Code of 1986 is amend-
ed by striking “2009” each place it appears in the last
sentence and inserting “2020”.

(c) Effective Dates.—
(1) IN GENERAL.—The amendments made by this section shall apply for calendar years beginning after December 31, 2019.

(2) PROVISIONS RELATING TO PLAN OR CONTRACT AMENDMENTS.—

(A) IN GENERAL.—If this paragraph applies to any pension plan or contract amendment, such pension plan or contract shall not fail to be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (B)(ii) solely because the plan operates in accordance with this section.

(B) AMENDMENTS TO WHICH PARAGRAPH APPLIES.—

(i) IN GENERAL.—This paragraph shall apply to any amendment to any pension plan or annuity contract which—

(I) is made pursuant to the amendments made by this section, and

(II) is made on or before the last day of the first plan year beginning on or after January 1, 2022.
In the case of a governmental plan, subclause (II) shall be applied by substituting “2024” for “2022”.

(ii) CONDITIONS.—This paragraph shall not apply to any amendment unless during the period beginning on the effective date of the amendment and ending on December 31, 2020, the plan or contract is operated as if such plan or contract amendment were in effect.

SEC. 2204. ALLOWANCE OF PARTIAL ABOVE THE LINE DEDUCTION FOR CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Section 62(a) of the Internal Revenue Code of 1986 is amended by inserting after paragraph (21) the following new paragraph:

“(22) CHARITABLE CONTRIBUTIONS.—In the case of taxable years beginning in 2020, the amount (not to exceed $300) of qualified charitable contributions made by an eligible individual during the taxable year.”.

(b) DEFINITIONS.—Section 62 of such Code is amended by adding at the end the following new subsection:
“(f) Definitions Relating to Qualified Charitable Contributions.—For purposes of subsection (a)(22)—

“(1) Eligible individual.—The term ‘eligible individual’ means any individual who does not elect to itemize deductions.

“(2) Qualified charitable contributions.—The term ‘qualified charitable contribution’ means a charitable contribution (as defined in section 170(c))—

“(A) which is made in cash,

“(B) for which a deduction is allowable under section 170 (determined without regard to subsection (b) thereof), and

“(C) which is—

“(i) made to an organization described in section 170(b)(1)(A), and

“(ii) not—

“(I) to an organization described in section 509(a)(3), or

“(II) for the establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2)).
Such term shall not include any amount which is treated as a charitable contribution made in such taxable year by reason of subsection (b)(1)(G)(ii) or (d)(1) of section 170.”.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2019.

SEC. 2205. MODIFICATION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS DURING 2020.

(a) Temporary Suspension of Limitations on Certain Cash Contributions.—

(1) In general.—Except as otherwise provided in paragraph (2), qualified contributions shall be disregarded in applying subsections (b) and (d) of section 170 of the Internal Revenue Code of 1986.

(2) Treatment of excess contributions.—

For purposes of section 170 of the Internal Revenue Code of 1986—

(A) Individuals.—In the case of an individual—

(i) Limitation.—Any qualified contribution shall be allowed as a deduction only to the extent that the aggregate of such contributions does not exceed the ex-
cess of the taxpayer’s contribution base (as defined in subparagraph (H) of section 170(b)(1) of such Code) over the amount of all other charitable contributions allowed under section 170(b)(1) of such Code.

(ii) Carryover.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1) of such Code) exceeds the limitation of clause (i), such excess shall be added to the excess described in section 170(b)(1)(G)(ii).

(B) Corporations.—In the case of a corporation—

(i) Limitation.—Any qualified contribution shall be allowed as a deduction only to the extent that the aggregate of such contributions does not exceed the excess of 25 percent of the taxpayer’s taxable income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(ii) Carryover.—If the aggregate amount of qualified contributions made in
172
the contribution year (within the meaning
of section 170(d)(2) of such Code) exceeds
the limitation of clause (i), such excess
shall be appropriately taken into account
under section 170(d)(2) subject to the limi-
tations thereof.

(3) QUALIFIED CONTRIBUTIONS.—

(A) IN GENERAL.—For purposes of this
subsection, the term “qualified contribution”
means any charitable contribution (as defined
in section 170(c) of the Internal Revenue Code
of 1986) if—

(i) such contribution is paid in cash
during calendar year 2020 to an organization
described in section 170(b)(1)(A) of
such Code, and

(ii) the taxpayer has elected the applica-
tion of this section with respect to such
contribution.

(B) EXCEPTION.—Such term shall not in-
clude a contribution by a donor if the contribu-
tion is—

(i) to an organization described in sec-
tion 509(a)(3) of the Internal Revenue
Code of 1986, or
(ii) for the establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2) of such Code).

(C) Application of election to partnerships and S corporations.—In the case of a partnership or S corporation, the election under subparagraph (A)(ii) shall be made separately by each partner or shareholder.

(b) Increase in limits on contributions of food inventory.—In the case of any charitable contribution of food during 2020 to which section 170(e)(3)(C) of the Internal Revenue Code of 1986 applies, subclauses (I) and (II) of clause (ii) thereof shall each be applied by substituting “25 percent” for “15 percent.”

(c) Effective date.—This section shall apply to taxable years ending after December 31, 2019.

Subtitle C—Business Provisions

Sec. 2301. Delay of payment of employer payroll taxes.

(a) In general.—

(1) Taxes.—Notwithstanding any other provision of law, the payment for applicable employment
taxes for the payroll tax deferral period shall not be
due before the applicable date.

(2) DEPOSITS.—Notwithstanding section 6302
of the Internal Revenue Code of 1986, an employer
shall be treated as having timely made all deposits
of applicable employment taxes that are required to
be made (without regard to this section) for such
taxes during the payroll tax deferral period if all
such deposits are made not later than the applicable
date.

(3) EXCEPTION.—This subsection shall not
apply to any taxpayer if such taxpayer has had in-
debtedness forgiven under section 1105 of this Act
with respect to a loan under paragraph (36) of sec-
tion 7(a) of the Small Business Act (15 U.S.C.
636(a)), as added by section 1102 of this Act, or in-
debtedness forgiven under section 1109 of this Act.

(b) SECA.—

(1) IN GENERAL.—Notwithstanding any other
provision of law, the payment for 50 percent of the
taxes imposed under section 1401(a) of the Internal
Revenue Code of 1986 for the payroll tax deferral
period shall not be due before the applicable date.

(2) ESTIMATED TAXES.—For purposes of ap-
plying section 6654 of the Internal Revenue Code of
1986 to any taxable year which includes any part of the payroll tax deferral period, 50 percent of the taxes imposed under section 1401(a) of such Code for the payroll tax deferral period shall not be treated as taxes to which such section 6654 applies.

(c) LIABILITY OF THIRD PARTIES.—

(1) ACTS TO BE PERFORMED BY AGENTS.—For purposes of section 3504 of the Internal Revenue Code of 1986, in the case of any person designated pursuant to such section (and any regulations or other guidance issued by the Secretary with respect to such section) to perform acts otherwise required to be performed by an employer under such Code, if such employer directs such person to defer payment of any applicable employment taxes during the payroll tax deferral period under this section, such employer shall be solely liable for the payment of such applicable employment taxes before the applicable date for any wages paid by such person on behalf of such employer during such period.

(2) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—For purposes of section 3511, in the case of a certified professional employer organization (as defined in subsection (a) of section 7705 of the Internal Revenue Code of 1986) that has entered
into a service contract described in subsection (e)(2) of such section with a customer, if such customer directs such organization to defer payment of any applicable employment taxes during the payroll tax deferral period under this section, such customer shall, notwithstanding subsections (a) and (c) of section 3511, be solely liable for the payment of such applicable employment taxes before the applicable date for any wages paid by such organization to any worksite employee performing services for such customer during such period.

(d) DEFINITIONS.—For purposes of this section—

(1) APPLICABLE EMPLOYMENT TAXES.—The term “applicable employment taxes” means the following:

(A) The taxes imposed under section 3111(a) of the Internal Revenue Code of 1986.

(B) So much of the taxes imposed under section 3211(a) of such Code as are attributable to the rate in effect under section 3111(a) of such Code.

(C) So much of the taxes imposed under section 3221(a) of such Code as are attributable to the rate in effect under section 3111(a) of such Code.
(2) Payroll Tax Deferral Period.—The term “payroll tax deferral period” means the period beginning on the date of the enactment of this Act and ending before January 1, 2021.

(3) Applicable Date.—The term “applicable date” means—

(A) December 31, 2021, with respect to 50 percent of the amounts to which subsection (a) or (b), as the case may be, apply, and

(B) December 31, 2022, with respect to the remaining such amounts.

(4) Secretary.—The term “Secretary” means the Secretary of the Treasury (or the Secretary’s delegate).

(e) Trust Funds Held Harmless.—There are hereby appropriated (out of any money in the Treasury not otherwise appropriated) for each fiscal year to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) and the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) an amount equal to the reduction in the transfers to such fund for such fiscal year by reason of this section. Amounts appropriated
by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(f) Regulatory Authority.—The Secretary shall issue such regulations or other guidance as necessary to carry out the purposes of this section, including rules for the administration and enforcement of subsection (e).

SEC. 2302. MODIFICATIONS FOR NET OPERATING LOSSES.

(a) Temporary Repeal of Taxable Income Limitation.—

(1) In general.—The first sentence of section 172(a) of the Internal Revenue Code of 1986 is amended by striking “an amount equal to” and all that follows and inserting “an amount equal to—

“(1) in the case of a taxable year beginning before January 1, 2021, the aggregate of the net operating loss carryovers to such year, plus the net operating loss carrybacks to such year, and

“(2) in the case of a taxable year beginning after December 31, 2020, the sum of—

“(A) the aggregate amount of net operating losses arising in taxable years beginning
before January 1, 2018, carried to such taxable year, plus

"(B) the lesser of—

"(i) the aggregate amount of net operating losses arising in taxable years beginning after December 31, 2017, carried to such taxable year, or

"(ii) 80 percent of the excess (if any) of—

"(I) taxable income computed without regard to the deductions under this section and sections 199A and 250, over

"(II) the amount determined under subparagraph (A)."

(2) CONFORMING AMENDMENTS.—

(A) Section 172(b)(2)(C) of such Code is amended to read as follows:

"(C) for taxable years beginning after December 31, 2020, be reduced by 20 percent of the excess (if any) described in subsection (a)(2)(B)(ii) for such taxable year.”.

(B) Section 172(d)(6)(C) of such Code is amended by striking “subsection (a)(2)” and inserting “subsection (a)(2)(B)(ii)(I)”.
(C) Section 860E(a)(3)(B) of such Code is amended by striking all that follows “for purposes of” and inserting “subsection (a)(2)(B)(ii)(I) and the second sentence of subsection (b)(2) of section 172.”

(b) MODIFICATIONS OF RULES RELATING TO CARRYBACKS.—

(1) IN GENERAL.—Section 172(b)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(D) SPECIAL RULE FOR LOSSES ARISING IN 2018, 2019, AND 2020.—

“(i) IN GENERAL.—In the case of any net operating loss arising in a taxable year beginning after December 31, 2017, and before January 1, 2021—

“(I) such loss shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss, and

“(II) subparagraphs (B) and (C)(i) shall not apply.

“(ii) SPECIAL RULES FOR REITS.—

For purposes of this subparagraph—
“(I) IN GENERAL.—A net operating loss for a REIT year shall not be a net operating loss carryback to any taxable year preceding the taxable year of such loss.

“(II) SPECIAL RULE.—In the case of any net operating loss for a taxable year which is not a REIT year, such loss shall not be carried to any preceding taxable year which is a REIT year.

“(III) REIT YEAR.—For purposes of this subparagraph, the term ‘REIT year’ means any taxable year for which the provisions of part II of subchapter M (relating to real estate investment trusts) apply to the taxpayer.

“(iii) SPECIAL RULE FOR LIFE INSURANCE COMPANIES.— In the case of a life insurance company, if a net operating loss is carried pursuant to clause (i)(I) to a life insurance company taxable year beginning before January 1, 2018, such net operating loss carryback shall be treated in the
same manner as an operations loss
carryback (within the meaning of section
810 as in effect before its repeal) of such
company to such taxable year.

“(iv) Rule relating to
carrybacks to years to which sec-
tion 965 applies.—If a net operating loss
of a taxpayer is carried pursuant to clause
(i)(I) to any taxable year to which section
965(a) applies to the taxpayer, the tax-
payer shall be treated as having made the
election under section 965(n) with respect
to each such taxable year.

“(v) Special rules for elections
under paragraph (3).—

“(I) Special election to ex-
clude 965 years.— If the 5-year
carryback period under clause (i)(I)
with respect to any net operating loss
of a taxpayer includes 1 or more tax-
able years to which section 965(a) ap-
plies to the taxpayer, the taxpayer
may, in lieu of the election otherwise
available under paragraph (3), elect
under such paragraph to exclude all
taxable years to which section 965(a) applies from such carryback period.

“(II) TIME OF ELECTIONS.—An election under paragraph (3) (including an election described in subclause (I)) with respect to a net operating loss arising in a taxable year beginning in 2018 or 2019 shall be made by the due date (including extensions of time) for filing the taxpayer’s return for the first taxable year ending after the date of the enactment of this subparagraph.”

(2) CONFORMING AMENDMENT.—Section 172(b)(1)(A) of such Code, as amended by subsection (c)(2), is amended by striking “and (C)(i)” and inserting “, (C)(i), and (D)”.

(c) TECHNICAL AMENDMENT RELATING TO SECTION 13302 OF PUBLIC LAW 115–97.—

(1) Section 13302(e) of Public Law 115–97 is amended to read as follows:

“(e) EFFECTIVE DATES.—

“(1) NET OPERATING LOSS LIMITATION.—The amendments made by subsections (a) and (d)(2) shall apply to—
“(A) taxable years beginning after December 31, 2017, and

“(B) taxable years beginning on or before such date to which net operating losses arising in taxable years beginning after such date are carried.

“(2) CARRYOVERS AND CARRYBACKS.—The amendments made by subsections (b), (c), and (d)(1) shall apply to net operating losses arising in taxable years beginning after December 31, 2017.”.

(2) Section 172(b)(1)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

“(A) GENERAL RULE.—A net operating loss for any taxable year—

“(i) shall be a net operating loss carryback to the extent provided in subparagraphs (B) and (C)(i), and

“(ii) except as provided in subparagraph (C)(ii), shall be a net operating loss carryover—

“(I) in the case of a net operating loss arising in a taxable year beginning before January 1, 2018, to each of the 20 taxable years following the taxable year of the loss, and
“(II) in the case of a net operating loss arising in a taxable year beginning after December 31, 2017, to each taxable year following the taxable year of the loss.”.

(d) EFFECTIVE DATES.—

(1) NET OPERATING LOSS LIMITATION.—The amendments made by subsection (a) shall apply—

(A) to taxable years beginning after December 31, 2017, and

(B) to taxable years beginning on or before December 31, 2017, to which net operating losses arising in taxable years beginning after December 31, 2017, are carried.

(2) CARRYOVERS AND CARRYBACKS.—The amendment made by subsection (b) shall apply to—

(A) net operating losses arising in taxable years beginning after December 31, 2017, and

(B) taxable years beginning before, on, or after such date to which such net operating losses are carried.

(3) TECHNICAL AMENDMENTS.—The amendments made by subsection (c) shall take effect as if included in the provisions of Public Law 115–97 to which they relate.
(4) SPECIAL RULE.—In the case of a net operating loss arising in a taxable year beginning before January 1, 2018, and ending after December 31, 2017—

(A) an application under section 6411(a) of the Internal Revenue Code of 1986 with respect to the carryback of such net operating loss shall not fail to be treated as timely filed if filed not later than the date which is 120 days after the date of the enactment of this Act, and

(B) an election to—

(i) forgo any carryback of such net operating loss,

(ii) reduce any period to which such net operating loss may be carried back, or

(iii) revoke any election made under section 172(b) to forgo any carryback of such net operating loss,

shall not fail to be treated as timely made if made not later than the date which is 120 days after the date of the enactment of this Act.
SEC. 2303. MODIFICATION OF LIMITATION ON LOSSES FOR TAXPAYERS OTHER THAN CORPORATIONS.

(a) In General.—Section 461(l)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) LIMITATION.—In the case of a taxpayer other than a corporation—

“(A) for any taxable year beginning after December 31, 2017, and before January 1, 2026, subsection (j) (relating to limitation on excess farm losses of certain taxpayers) shall not apply, and

“(B) for any taxable year beginning after December 31, 2020, and before January 1, 2026, any excess business loss of the taxpayer for the taxable year shall not be allowed.”.

(b) Technical Amendments Relating to Section 11012 of Public Law 115–97.—

(1) Section 461(l)(2) of the Internal Revenue Code of 1986 is amended by striking “a net operating loss carryover to the following taxable year under section 172” and inserting “a net operating loss for the taxable year for purposes of determining any net operating loss carryover under section 172(b) for subsequent taxable years”.

(2) Section 461(l)(3)(A) of such Code is amended—
(A) in clause (i), by inserting “and without regard to any deduction allowable under section 172 or 199A” after “under paragraph (1)”, and

(B) by adding at the end the following flush sentence:

“Such excess shall be determined without regard to any deductions, gross income, or gains attributable to any trade or business of performing services as an employee.”.

(3) Section 461(l)(3) of such Code is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

“(B) TREATMENT OF CAPITAL GAINS AND LOSSES.—

“(i) LOSSES.—Deductions for losses from sales or exchanges of capital assets shall not be taken into account under subparagraph (A)(i).

“(ii) GAINS.—The amount of gains from sales or exchanges of capital assets taken into account under subparagraph (A)(ii) shall not exceed the lesser of—
“(I) the capital gain net income
determined by taking into account
only gains and losses attributable to a
trade or business, or
“(II) the capital gain net in-
come.”.

(c) Effective Dates.—

(1) In General.—The amendments made by
subsection (a) shall apply to taxable years beginning
after December 31, 2017.

(2) Technical Amendments.—The amend-
ments made by subsection (b) shall take effect as if
included in the provisions of Public Law 115–97 to
which they relate.

SEC. 2304. MODIFICATION OF CREDIT FOR PRIOR YEAR
MINIMUM TAX LIABILITY OF CORPORATIONS.

(a) In General.—Section 53(e) of the Internal Rev-
venue Code of 1986 is amended—

(1) by striking “2018, 2019, 2020, or 2021” in
paragraph (1) and inserting “2018 or 2019”, and

(2) by striking “2021” in paragraph (2) and in-
serting “2019”.

(b) Election to Take Entire Refundable
Credit Amount in 2018.—
(1) In general.—Section 53(e) of such Code is amended by adding at the end the following new paragraph:

“(5) Special rule.—In the case of a corporation making an election under this paragraph—

“(A) paragraph (1) shall not apply, and

“(B) subsection (c) shall not apply to the first taxable year of such corporation beginning in 2018.”.

(c) Effective date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(d) Special rule.—

(1) In general.—For purposes of the Internal Revenue Code of 1986, a credit or refund for which an application described in paragraph (2)(A) is filed shall be treated as made under section 6411 of such Code.

(2) Tentative refund.—

(A) Application.—A taxpayer may file an application for a tentative refund of any amount for which a refund is due by reason of an election under section 53(e)(5) of the Internal Revenue Code of 1986. Such application shall be in such manner and form as the Sec-
retary of the Treasury (or the Secretary’s dele-
geate) may prescribe and shall—

(i) be verified in the same manner as
an application under section 6411(a) of
such Code,

(ii) be filed prior to December 31,
2020, and

(iii) set forth—

(I) the amount of the refundable
credit claimed under section 53(e) of
such Code for such taxable year,

(II) the amount of the refundable
credit claimed under such section for
any previously filed return for such
taxable year, and

(III) the amount of the refund
claimed.

(B) ALLOWANCE OF ADJUSTMENTS.—
Within a period of 90 days from the date on
which an application is filed under subpara-
graph (A), the Secretary of the Treasury (or
the Secretary’s delegate) shall—

(i) review the application,

(ii) determine the amount of the over-
payment, and
(iii) apply, credit, or refund such over-
payment,
in a manner similar to the manner provided in
section 6411(b) of the Internal Revenue Code
of 1986.

(C) CONSOLIDATED RETURNS.—The provi-
sions of section 6411(e) of the Internal Revenue
Code of 1986 Code shall apply to an adjust-
ment under this paragraph to the same extent
and manner as the Secretary of the Treasury
(or the Secretary’s delegate) may provide.

SEC. 2305. MODIFICATIONS OF LIMITATION ON BUSINESS
INTEREST.

(a) IN GENERAL.—Section 163(j) of the Internal
Revenue Code of 1986 is amended by redesignating para-
graph (10) as paragraph (11) and by inserting after para-
graph (9) the following new paragraph:

“(10) SPECIAL RULE FOR TAXABLE YEARS BE-
GINNING IN 2019 AND 2020.—

“(A) IN GENERAL.—

“(i) IN GENERAL.—Except as pro-
vided in clause (ii) or (iii), in the case of
any taxable year beginning in 2019 or
2020, paragraph (1)(B) shall be applied by
substituting ‘50 percent’ for ‘30 percent’.
“(ii) Special rule for partnerships.—In the case of a partnership—

“(I) clause (i) shall not apply to any taxable year beginning in 2019, but

“(II) unless a partner elects not to have this subclause apply, in the case of any excess business interest of the partnership for any taxable year beginning in 2019 which is allocated to the partner under paragraph (4)(B)(i)(II)—

“(aa) 50 percent of such excess business interest shall be treated as business interest which, notwithstanding paragraph (4)(B)(ii), is paid or accrued by the partner in the partner’s first taxable year beginning in 2020 and which is not subject to the limits of paragraph (1), and

“(bb) 50 percent of such excess business interest shall be subject to the limitations of para-
graph (4)(B)(ii) in the same manner as any other excess business interest so allocated.

“(iii) Election Out.—A taxpayer may elect, at such time and in such manner as the Secretary may prescribe, not to have clause (i) apply to any taxable year. Such an election, once made, may be revoked only with the consent of the Secretary. In the case of a partnership, any such election shall be made by the partnership and may be made only for taxable years beginning in 2020.

“(B) Election to Use 2019 Adjusted Taxable Income for Taxable Years Beginning in 2020.—

“(i) In general.—Subject to clause (ii), in the case of any taxable year beginning in 2020, the taxpayer may elect to apply this subsection by substituting the adjusted taxable income of the taxpayer for the last taxable year beginning in 2019 for the adjusted taxable income for such taxable year. In the case of a partnership, any
such election shall be made by the partnership.

“(ii) Special rule for short taxable years.—If an election is made under clause (i) for a taxable year which is a short taxable year, the adjusted taxable income for the taxpayer’s last taxable year beginning in 2019 which is substituted under clause (i) shall be equal to the amount which bears the same ratio to such adjusted taxable income determined without regard to this clause as the number of months in the short taxable year bears to 12”.

(b) Effective date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2018.

SEC. 2306. TECHNICAL AMENDMENTS REGARDING QUALIFIED IMPROVEMENT PROPERTY.

(a) In general.—Section 168 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (e)—

(A) in paragraph (3)(E), by striking “and” at the end of clause (v), by striking the period at the end of clause (vi) and inserting “, and”,

and by adding at the end the following new clause:

“(vii) any qualified improvement property.”, and

(B) in paragraph (6)(A), by inserting “made by the taxpayer” after “any improve-
ment”, and

(2) in the table contained in subsection (g)(3)(B)—

(A) by striking the item relating to sub-
paragraph (D)(v), and

(B) by inserting after the item relating to
subparagraph (E)(vi) the following new item:

“(E)(vii) ................................................................. 20”.

(b) EFFECTIVE DATE.—The amendments made by
this section shall take effect as if included in section
13204 of Public Law 115–97.

TITLE III—SUPPORTING AMER-
ICA’S HEALTH CARE SYSTEM
IN THE FIGHT AGAINST THE
CORONAVIRUS
Subtitle A—Health Provisions

SEC. 3001. SHORT TITLE.

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

PART I—ADDRESSING SUPPLY SHORTAGES

Subpart A—Medical Product Supplies

SEC. 3101. NATIONAL ACADEMIES REPORT ON AMERICA'S MEDICAL PRODUCT SUPPLY CHAIN SECURITY.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the “National Academies”) to examine, and, in a manner that does not compromise national security, report on, the security of the United States medical product supply chain.

(b) PURPOSES.—The report developed under this section shall—

(1) assess and evaluate the dependence of the United States, including the private commercial sector, States, and the Federal Government, on critical drugs and devices that are sourced or manufactured outside of the United States, which may include an analysis of—

(A) the supply chain of critical drugs and devices of greatest priority to providing health care;

(B) any potential public health security or national security risks associated with reliance
on critical drugs and devices sourced or manufactured outside of the United States, which may include responses to previous or existing shortages or public health emergencies, such as infectious disease outbreaks, bioterror attacks, and other public health threats;

(C) any existing supply chain information gaps, as applicable; and

(D) potential economic impact of increased domestic manufacturing; and

(2) provide recommendations, which may include a plan to improve the resiliency of the supply chain for critical drugs and devices as described in paragraph (1), and to address any supply vulnerabilities or potential disruptions of such products that would significantly affect or pose a threat to public health security or national security, as appropriate, which may include strategies to—

(A) promote supply chain redundancy and contingency planning;

(B) encourage domestic manufacturing, including consideration of economic impacts, if any;

(C) improve supply chain information gaps;
(D) improve planning considerations for medical product supply chain capacity during public health emergencies; and

(E) promote the accessibility of such drugs and devices.

(c) INPUT.—In conducting the study and developing the report under subsection (b), the National Academies shall—

(1) consider input from the Department of Health and Human Services, the Department of Homeland Security, the Department of Defense, the Department of Commerce, the Department of State, the Department of Veterans Affairs, the Department of Justice, and any other Federal agencies as appropriate; and

(2) consult with relevant stakeholders, which may include conducting public meetings and other forms of engagement, as appropriate, with health care providers, medical professional societies, State-based societies, public health experts, State and local public health departments, State medical boards, patient groups, medical product manufacturers, health care distributors, wholesalers and group purchasing organizations, pharmacists, and other entities with
experience in health care and public health, as appropriate.

(d) Definitions.—In this section, the terms “device” and “drug” have the meanings given such terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

SEC. 3102. REQUIRING THE STRATEGIC NATIONAL STOCKPILE TO INCLUDE CERTAIN TYPES OF MEDICAL SUPPLIES.

Section 319F–2(a)(1) of the Public Health Service Act (42 U.S.C. 247d–6b(a)(1)) is amended by inserting “(including personal protective equipment, ancillary medical supplies, and other applicable supplies required for the administration of drugs, vaccines and other biological products, medical devices, and diagnostic tests in the stockpile)” after “other supplies”.

SEC. 3103. TREATMENT OF RESPIRATORY PROTECTIVE DEVICES AS COVERED COUNTERMEASURES.

Section 319F–3(i)(1)(D) of the Public Health Service Act (42 U.S.C. 247d–6d(i)(1)(D)) is amended to read as follows:

“(D) a respiratory protective device that is approved by the National Institute for Occupational Safety and Health under part 84 of title 42, Code of Federal Regulations (or any suc-
cessor regulations), and that the Secretary determines to be a priority for use during a public health emergency declared under section 319.’’.

Subpart B—Mitigating Emergency Drug Shortages

SEC. 3111. PRIORITIZE REVIEWS OF DRUG APPLICATIONS; INCENTIVES.

Section 506C(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356c(g)) is amended—

(1) in paragraph (1), by striking “the Secretary may” and inserting “the Secretary shall, as appropriate”;

(2) in paragraph (1), by inserting “prioritize and” before “expedite the review”; and

(3) in paragraph (2), by inserting “prioritize and” before “expedite an inspection”.

SEC. 3112. ADDITIONAL MANUFACTURER REPORTING REQUIREMENTS IN RESPONSE TO DRUG SHORTAGES.

(a) EXPANSION TO INCLUDE ACTIVE PHARMACEUTICAL INGREDIENTS.—Subsection (a) of section 506C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356c) is amended—

(1) in paragraph (1)(C), by inserting “or any such drug that is critical to the public health during a public health emergency declared by the Secretary
under section 319 of the Public Health Service Act”

after “during surgery”; and

(2) in the flush text at the end—

(A) by inserting “, or a permanent dis-
continuance in the manufacture of an active
pharmaceutical ingredient or an interruption in
the manufacture of the active pharmaceutical
ingredient of such drug that is likely to lead to
a meaningful disruption in the supply of the ac-
tive pharmaceutical ingredient of such drug;”

before “and the reasons”; and

(B) by adding at the end the following:

“Notification under this subsection shall include
disclosure of reasons for the discontinuation or
interruption, and if applicable, an active phar-
maceutical ingredient is a reason for, or risk
factor in, such discontinuation or interruption,
the source of the active pharmaceutical ingre-
dient and any alternative sources for the active
pharmaceutical ingredient known by the manu-
facturer; whether any associated device used for
preparation or administration included in the
drug is a reason for, or a risk factor in, such
discontinuation or interruption; the expected
duration of the interruption; and such other information as the Secretary may require.”.

(b) Risk Management.—Section 506C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356c) is amended by adding at the end the following:

“(j) Risk Management Plans.—Each manufacturer of a drug described in subsection (a) or of any active pharmaceutical ingredient or any associated medical device used for preparation or administration included in the drug, shall develop, maintain, and implement, as appropriate, a redundancy risk management plan that identifies and evaluates risks to the supply of the drug, as applicable, for each establishment in which such drug or active pharmaceutical ingredient of such drug is manufactured. A risk management plan under this section shall be subject to inspection and copying by the Secretary pursuant to an inspection or a request under section 704(a)(4).”.

(c) Annual Notification.—Section 506E of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356e) is amended by adding at the end the following:

“(d) Interagency Notification.—Not later than 180 days after the date of enactment of this subsection, and every 90 days thereafter, the Secretary shall transmit a report regarding the drugs of the current drug shortage
list under this section to the Administrator of the Centers for Medicare & Medicaid Services.”.

(d) REPORTING AFTER INSPECTIONS.—Section 704(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(b)) is amended—

(1) by redesignating paragraphs (1) and (2) and subparagraphs (A) and (B);

(2) by striking “(b) Upon completion” and inserting “(b)(1) Upon completion”; and

(3) by adding at the end the following:

“(2) In carrying out this subsection with respect to any establishment manufacturing a drug approved under subsection (e) or (j) of section 505 for which a notification has been submitted in accordance with section 506C is, or has been in the last 5 years, listed on the drug shortage list under section 506E, or that is described in section 505(j)(11)(A), a copy of the report shall be sent promptly to the appropriate offices of the Food and Drug Administration with expertise regarding drug shortages.”.

(e) REPORTING REQUIREMENT.—Section 510(j) of the Federal Food, Drug, Cosmetic Act (21 U.S.C. 360(j)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and
(2) by inserting after paragraph (2) the follow-

“(3)(A) Each person who registers with the Secretary under this section with regard to a drug shall report annually to the Secretary on the amount of each drug listed under paragraph (1) that was manufactured, prepared, propagated, compounded, or processed by such person for commercial distribution. Such information may be required to be submitted in an electronic format as determined by the Secretary. The Secretary may require that information required to be reported under this paragraph be submitted at the time a public health emergency is declared by the Secretary under section 319 of the Public Health Service Act.

“(B) By order of the Secretary, certain biological products or categories of biological products regulated under section 351 of the Public Health Service Act may be exempt from some or all of the reporting requirements under subparagraph (A), if the Secretary determines that applying such reporting requirements to such biological products or categories of biological products is not necessary to protect the public health.”.
(f) CONFIDENTIALITY.—Nothing in the amendments made by this section shall be construed as authorizing the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.

(g) EFFECTIVE DATE.—The amendments made by this section and section 3111 shall take effect on the date that is 180 days after the date of enactment of this Act.

Subpart C—Preventing Medical Device Shortages

SEC. 3121. DISCONTINUANCE OR INTERRUPTION IN THE PRODUCTION OF MEDICAL DEVICES.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 506I the following:

“SEC. 506J. DISCONTINUANCE OR INTERRUPTION IN THE PRODUCTION OF MEDICAL DEVICES.

“(a) IN GENERAL.—A manufacturer of a device that—

“(1) is critical to public health during a public health emergency, including devices that are life-supporting, life-sustaining, or intended for use in emergency medical care or during surgery; or

“(2) for which the Secretary determines that information on potential meaningful supply disrup-
tions of such device is needed during, or in advance of, a public health emergency;
shall, during, or in advance of, a public health emergency declared by the Secretary under section 319 of the Public Health Service Act, notify the Secretary, in accordance with subsection (b), of a permanent discontinuance in the manufacture of the device (except for discontinuances as a result of an approved modification of the device) or an interruption of the manufacture of the device that is likely to lead to a meaningful disruption in the supply of that device in the United States, and the reasons for such discontinuance or interruption.

“(b) Timing.—A notice required under subsection (a) shall be submitted to the Secretary—

“(1) at least 6 months prior to the date of the discontinuance or interruption; or

“(2) if compliance with paragraph (1) is not possible, as soon as practicable.

“(c) Distribution.—

“(1) Public Availability.—To the maximum extent practicable, subject to paragraph (2), the Secretary shall distribute, through such means as the Secretary determines appropriate, information on the discontinuance or interruption of the manufacture of devices reported under subsection (a) to ap-
propriate organizations, including physician, health
provider, patient organizations, and supply chain
partners, as appropriate and applicable, as described
in subsection (g).

“(2) PUBLIC HEALTH EXCEPTION.—The Sec-
retary may choose not to make information collected
under this section publicly available pursuant to this
section if the Secretary determines that disclosure of
such information would adversely affect the public
health, such as by increasing the possibility of un-
necessary over purchase of product, component
parts, or other disruption of the availability of med-
ical products to patients.

“(d) CONFIDENTIALITY.—Nothing in this section
shall be construed as authorizing the Secretary to disclose
any information that is a trade secret or confidential infor-
mation subject to section 552(b)(4) of title 5, United
States Code, or section 1905 of title 18, United States
Code.

“(e) FAILURE TO MEET REQUIREMENTS.—If a per-
son fails to submit information required under subsection
(a) in accordance with subsection (b)—

“(1) the Secretary shall issue a letter to such
person informing such person of such failure;
“(2) not later than 30 calendar days after the issuance of a letter under paragraph (1), the person who receives such letter shall submit to the Secretary a written response to such letter setting forth the basis for noncompliance and providing information required under subsection (a); and

“(3) not later than 45 calendar days after the issuance of a letter under paragraph (1), the Secretary shall make such letter and any response to such letter under paragraph (2) available to the public on the internet website of the Food and Drug Administration, with appropriate redactions made to protect information described in subsection (d), except that, if the Secretary determines that the letter under paragraph (1) was issued in error or, after review of such response, the person had a reasonable basis for not notifying as required under subsection (a), the requirements of this paragraph shall not apply.

“(f) Expedited Inspections and Reviews.—If, based on notifications described in subsection (a) or any other relevant information, the Secretary concludes that there is, or is likely to be, a shortage of an device, the Secretary shall, as appropriate—
“(1) prioritize and expedite the review of a submission under section 513(f)(2), 515, review of a notification under section 510(k), or 520(m) for a device that could help mitigate or prevent such shortage; or

“(2) prioritize and expedite an inspection or re-inspection of an establishment that could help mitigate or prevent such shortage.

“(g) DEVICE SHORTAGE LIST.—

“(1) ESTABLISHMENT.—The Secretary shall establish and maintain an up-to-date list of devices that are determined by the Secretary to be in shortage in the United States.

“(2) CONTENTS.—For each device included on the list under paragraph (1), the Secretary shall include the following information:

“(A) The category or name of the device in shortage.

“(B) The name of each manufacturer of such device.

“(C) The reason for the shortage, as determined by the Secretary, selecting from the following categories:

“(i) Requirements related to complying with good manufacturing practices.
“(ii) Regulatory delay.

“(iii) Shortage or discontinuance of a component or part.

“(iv) Discontinuance of the manufacture of the device.

“(v) Delay in shipping of the device.

“(vi) Delay in sterilization of the device.

“(vii) Demand increase for the device.

“(viii) Facility closure.

“(D) The estimated duration of the shortage as determined by the Secretary.

“(3) PUBLIC AVAILABILITY.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary shall make the information in the list under paragraph (1) publicly available.

“(B) TRADE SECRETS AND CONFIDENTIAL INFORMATION.—Nothing in this subsection shall be construed to alter or amend section 1905 of title 18, United States Code, or section 552(b)(4) of title 5 of such Code.

“(C) PUBLIC HEALTH EXCEPTION.—The Secretary may elect not to make information collected under this subsection publicly available
if the Secretary determines that disclosure of such information would adversely affect the public health (such as by increasing the possibility of hoarding or other disruption of the availability of the device to patients).

“(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of the Secretary on the date of enactment of this section to expedite the review of devices under section 515 of the Federal Food, Drug, and Cosmetic Act, section 515B of such Act relating to the priority review program for devices, and section 564 of such Act relating to the emergency use authorization authorities.

“(i) DEFINITIONS.—In this section:

“(1) MEANINGFUL DISRUPTION.—The term ‘meaningful disruption’—

“(A) means a change in production that is reasonably likely to lead to a reduction in the supply of a device by a manufacturer that is more than negligible and affects the ability of the manufacturer to fill orders or meet expected demand for its product;

“(B) does not include interruptions in manufacturing due to matters such as routine maintenance or insignificant changes in manu-
manufacturing so long as the manufacturer expects to resume operations in a short period of time, not to exceed 6 months;

“(C) does not include interruptions in manufacturing of components or raw materials so long as such interruptions do not result in a shortage of the device and the manufacturer expects to resume operations in a reasonable period of time; and

“(D) does not include interruptions in manufacturing that do not lead to a reduction in procedures or diagnostic tests associated with a medical device designed to perform more than one procedure or diagnostic test.

“(2) SHORTAGE.—The term ‘shortage’, with respect to a device, means a period of time when the demand or projected demand for the device within the United States exceeds the supply of the device.”.
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PART II—ACCESS TO HEALTH CARE FOR COVID-19 PATIENTS

Subpart A—Coverage of Testing and Preventive Services

SEC. 3201. COVERAGE OF DIAGNOSTIC TESTING FOR COVID-19.

Paragraph (1) of section 6001(a) of division F of the Families First Coronavirus Response Act (Public Law 116–127) is amended to read as follows:

“(1) An in vitro diagnostic test defined in section 809.3 of title 21, Code of Federal Regulations (or successor regulations) for the detection of SARS–CoV–2 or the diagnosis of the virus that causes COVID–19, and the administration of such a test, that—

“(A) is approved, cleared, or authorized under section 510(k), 513, 515, or 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k), 360e, 360e, 360bbb–3);

“(B) the developer has requested, or intends to request, emergency use authorization under section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3), unless and until the emergency use authorization request under such section 564 has been denied or the developer of such test does not submit a
request under such section within a reasonable timeframe;

“(C) is developed in and authorized by a State that has notified the Secretary of Health and Human Services of its intention to review tests intended to diagnose COVID-19; or

“(D) other test that the Secretary determines appropriate in guidance.”.

SEC. 3202. PRICING OF DIAGNOSTIC TESTING.

(a) Reimbursement Rates.—A group health plan or a health insurance issuer providing coverage of items and services described in section 6001(a) of division F of the Families First Coronavirus Response Act (Public Law 116–127) with respect to an enrollee shall reimburse the provider of the diagnostic testing as follows:

(1) If the health plan or issuer has a negotiated rate with such provider in effect before the emergency period described in section 6001(a) of division F of the Families First Coronavirus Response Act (Public Law 116–127), such negotiated rate shall apply throughout the period of such declaration, such negotiated rate shall apply.

(2) If the health plan or issuer does not have a negotiated rate with such provider, such plan or issuer shall reimburse the provider in an amount
that equals the cash price for such service as listed by the provider on a public internet website.

(b) Requirement to Publicize Cash Price for Diagnostic Testing for COVID-19.—

(1) In general.—During the emergency period described in section 6001(a) of division F of the Families First Coronavirus Response Act (Public Law 116–127), each provider of a diagnostic test for COVID-19 shall make public the cash price for such test on a public internet website of such provider.

(2) Civil monetary penalties.—The Secretary of Health and Human Services may impose a civil monetary penalty on any provider of a diagnostic test for COVID-19 that is not in compliance with paragraph (1) and has not completed a corrective action plan to comply with the requirements of such paragraph, in an amount not to exceed $300 per day that the violation is ongoing.

SEC. 3203. RAPID COVERAGE OF PREVENTIVE SERVICES AND VACCINES FOR CORONAVIRUS.

(a) In general.—Notwithstanding 2713(b) of the Public Health Service Act (42 U.S.C. 300gg–13), the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury shall require group health plans and health insurance issuers offering
group or individual health insurance to cover (without cost-sharing) any qualifying coronavirus preventive service, pursuant to section 2713(a) of the Public Health Service Act (42 U.S.C. 300gg–13(a)) (including the regulations under sections 2590.715-2713 of title 29, Code of Federal Regulations, section 54.9815-2713 of title 26, Code of Federal Regulations, and section 147.130 of title 45, Code of Federal Regulations (or any successor regulations)). The requirement described in this subsection shall take effect with respect to a qualifying coronavirus preventive service on the specified date described in subsection (b)(2).

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

(1) QUALIFYING CORONAVIRUS PREVENTIVE SERVICE.—The term “qualifying coronavirus preventive service” means an item, service, or immunization that is intended to prevent or mitigate coronavirus disease 2019 and that is—

(A) an evidence-based item or service that has in effect a rating of “A” or “B” in the current recommendations of the United States Preventive Services Task Force; or

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

(2) Specified Date.—The term “specified
date” means the date that is 15 business days after
the date on which a recommendation is made relat-
ing to the qualifying coronavirus preventive service
as described in such paragraph.

(3) Additional Terms.—In this section, the
terms “group health plan”, “health insurance
issuer”, “group health insurance coverage”, and “in-
dividual health insurance coverage” have the mean-
ings given such terms in section 2791 of the Public
Health Service Act (42 U.S.C. 300gg–91), section
733 of the Employee Retirement Income Security
Act of 1974 (29 U.S.C. 1191b), and section 9832 of
the Internal Revenue Code, as applicable.

Subpart B—Support for Health Care Providers

SEC. 3211. SUPPLEMENTAL AWARDS FOR HEALTH CEN-
TERS.

(a) Supplemental Awards.—Section 330(r) of the
Public Health Service Act (42 U.S.C. 254b(r)) is amended
by adding at the end the following:

“(6) Additional amounts for supple-
mental awards.—In addition to any amounts
made available pursuant to this subsection, section
402A of this Act, or section 10503 of the Patient Protection and Affordable Care Act, there is authorized to be appropriated, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $1,320,000,000 for fiscal year 2020 for supplemental awards under subsection (d) for the detection of SARS-CoV-2 or the prevention, diagnosis, and treatment of COVID-19.”.

(b) Application of Provisions.—Amounts appropriated pursuant to the amendment made by subsection (a) for fiscal year 2020 shall be subject to the requirements contained in Public Law 116–94 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254 through 256).

SEC. 3212. TELEHEALTH NETWORK AND TELEHEALTH RESOURCE CENTERS GRANT PROGRAMS.

Section 330I of the Public Health Service Act (42 U.S.C. 254c–14) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “projects to demonstrate how telehealth technologies can be used through telehealth networks” and inserting “evidence-based projects that uti-
lize telehealth technologies through tele-
health networks’’;

(ii) in subparagraph (A)—

(I) by striking “the quality of”
and inserting “access to, and the
quality of,”; and

(II) by inserting “and” after the
semicolon;

(iii) by striking subparagraph (B);

(iv) by redesignating subparagraph
(C) as subparagraph (B); and

(v) in subparagraph (B), as so redes-
ignated, by striking “and patients and
their families, for decisionmaking” and in-
serting “, patients, and their families”;
and

(B) in paragraph (2)—

(i) by striking “demonstrate how tele-
health technologies can be used” and in-
serting “support initiatives that utilize
telehealth technologies”; and

(ii) by striking “, to establish tele-
health resource centers”;

(2) in subsection (e), by striking “4 years” and
inserting “5 years”;
(3) in subsection (f)—

(A) by striking paragraph (2);

(B) in paragraph (1)(B)—

(i) by redesignating clauses (i) through (iii) as paragraphs (1) through (3), respectively, and adjusting the margins accordingly;

(ii) in paragraph (3), as so redesignated by clause (i), by redesignating subclauses (I) through (XII) as subparagraphs (A) through (L), respectively, and adjusting the margins accordingly; and

(iii) by striking “(1) TELEHEALTH NETWORK GRANTS—” and all that follows through “(B) TELEHEALTH NETWORKS—”;

(C) in paragraph (3)(I), as so redesignated, by inserting “and substance use disorder” after “mental health” each place such term appears;

(4) in subsection (g)(2), by striking “or improve” and inserting “and improve”; and

(5) by striking subsection (h);

(6) by redesignating subsections (i) through (p) as subsection (h) through (o), respectively;
(7) in subsection (h), as so redesignated—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking “mental health, public health, long-term care, home care, preventive” and inserting “mental health care, public health services, long-term care, home care, preventive care”;

(ii) in subparagraph (E), by inserting “and regional” after “local”; and

(iii) by striking subparagraph (F);

and

(B) in paragraph (2)(A), by striking “medically underserved areas or” and inserting “rural areas, medically underserved areas, or”;

(8) in paragraph (2) of subsection (i), as so redesignated, by striking “ensure that—” and all that follows through the end of subparagraph (B) and inserting “ensure that not less than 50 percent of the funds awarded shall be awarded for projects in rural areas.”;

(9) in subsection (j), as so redesignated—

(A) in paragraph (1)(B), by striking “computer hardware and software, audio and video equipment, computer network equipment, inter-
active equipment, data terminal equipment, and other”; and

(B) in paragraph (2)(F), by striking “health care providers and”; 

(10) in subsection (k), as so redesignated—

(A) in paragraph (2), by striking “40 percent” and inserting “20 percent”; and

(B) in paragraph (3), by striking “(such as laying cable or telephone lines, or purchasing or installing microwave towers, satellite dishes, amplifiers, or digital switching equipment)”;

(11) by striking subsections (q) and (r) and inserting the following:

“(p) REPORT.—Not later than 4 years after the date of enactment of the Coronavirus Aid, Relief, and Economic Security Act, and every 5 years thereafter, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the activities and outcomes of the grant programs under subsection (b).”; 

(12) by redesignating subsection (s) as subsection (q); and

(13) in subsection (q), as so redesignated, by striking “this section—” and all that follows
through the end of paragraph (2) and inserting
this section $29,000,000 for each of fiscal years
2021 through 2025.”.

SEC. 3213. RURAL HEALTH CARE SERVICES OUTREACH,
RURAL HEALTH NETWORK DEVELOPMENT,
AND SMALL HEALTH CARE PROVIDER QUAL-
ITY IMPROVEMENT GRANT PROGRAMS.

Section 330A of the Public Health Service Act (42
U.S.C. 254e) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (A), by striking “es-

sential” and inserting “basic”; and

(B) in subparagraph (B)—

(i) in the matter preceding clause (i),

by inserting “to” after “grants”; and

(ii) in clauses (i), (ii), and (iii), by

striking “to” each place such term ap-

pears;

(2) in subsection (e)—

(A) in paragraph (1)—

(i) by inserting “improving and” after

“outreach by”;

(ii) by inserting “, through community

engagement and evidence-based or innova-
tive, evidence-informed models” before the period of the first sentence; and

(iii) by striking “3 years” and inserting “5 years”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting “shall” after “entity”;

(ii) in subparagraph (A), by striking “shall be a rural public or rural nonprofit private entity” and inserting “be an entity with demonstrated experience serving, or the capacity to serve, rural underserved populations”; 

(iii) in subparagraphs (B) and (C), by striking “shall” each place such term appears; and

(iv) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting “that” after “members”; and

(II) in clauses (i) and (ii), by striking “that” each place such term appears; and
(C) in paragraph (3)(C), by striking “the local community or region” and inserting “the rural underserved populations in the local community or region”;

(3) in subsection (f)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “promote, through planning and implementation, the development of integrated health care networks that have combined the functions of the entities participating in the networks” and inserting “plan, develop, and implement integrated health care networks that collaborate”; and

(II) in clause (ii), by striking “essential health care services” and inserting “basic health care services and associated health outcomes”; and

(ii) by amending subparagraph (B) to read as follows:
“(B) Grant periods.—The Director may award grants under this subsection for periods of not more than 5 years.”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting “shall” after “entity”;

(ii) in subparagraph (A), by striking “shall be a rural public or rural nonprofit private entity” and inserting “be an entity with demonstrated experience serving, or the capacity to serve, rural underserved populations”; 

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i)—

(aa) by striking “shall”; and

(bb) by inserting “that” after “participants”; and

(II) in clauses (i) and (ii), by striking “that” each place such term appears; and

(iv) in subparagraph (C), by striking “shall”; and

(C) in paragraph (3)—
(i) by amending clause (iii) of subparagraph (C) to read as follows:

“(iii) how the rural underserved populations in the local community or region to be served will benefit from and be involved in the development and ongoing operations of the network;”; and

(ii) in subparagraph (D), by striking “the local community or region” and inserting “the rural underserved populations in the local community or region”;

(4) in subsection (g)—

(A) in paragraph (1)—

(i) by inserting “, including activities related to increasing care coordination, enhancing chronic disease management, and improving patient health outcomes” before the period of the first sentence; and

(ii) by striking “3 years” and inserting “5 years”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting “shall” after “entity”;}
(ii) in subparagraphs (A) and (B), by striking “shall” each place such term appears; and

(iii) in subparagraph (A)(ii), by inserting “or regional” after “local”; and

(C) in paragraph (3)(D), by striking “the local community or region” and inserting “the rural underserved populations in the local community or region”;

(5) in subsection (h)(3), in the matter preceding subparagraph (A), by inserting “, as appropriate,” after “the Secretary”;

(6) by amending subsection (i) to read as follows:

“(i) REPORT.—Not later than 4 years after the date of enactment of the Coronavirus Aid, Relief, and Economic Security Act, and every 5 years thereafter, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the activities and outcomes of the grant programs under subsections (e), (f), and (g), including the impact of projects funded under such programs on the health status of rural residents with chronic conditions.”; and
(7) in subsection (j), by striking “$45,000,000 for each of fiscal years 2008 through 2012” and inserting “$79,500,000 for each of fiscal years 2021 through 2025”.

SEC. 3214. UNITED STATES PUBLIC HEALTH SERVICE MODERNIZATION.

(a) COMMISSIONED CORPS AND READY RESERVE CORPS.—Section 203 of the Public Health Service Act (42 U.S.C. 204) is amended—

(1) in subsection (a)(1), by striking “a Ready Reserve Corps for service in time of national emergency” and inserting “, for service in time of a public health or national emergency, a Ready Reserve Corps”; and

(2) in subsection (c)—

(A) in the heading, by striking “RESEARCH” and inserting “RESERVE CORPS”; 

(B) in paragraph (1), by inserting “during public health or national emergencies” before the period;

(C) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting “, consistent with paragraph (1)” after “shall”;
(ii) in subparagraph (C), by inserting “during such emergencies” after “members”; and

(iii) in subparagraph (D), by inserting “, consistent with subparagraph (C)” before the period; and

(D) by adding at the end the following:

“(3) Statutory references to reserve.—

A reference in any Federal statute, except in the case of subsection (b), to the ‘Reserve Corps’ of the Public Health Service or to the ‘reserve’ of the Public Health Service shall be deemed to be a reference to the Ready Reserve Corps.”.

(b) Deployment Readiness.—Section 203A(a)(1)(B) of the Public Health Service Act (42 U.S.C. 204a(a)(1)(B)) is amended by striking “Active Reserves” and inserting “Ready Reserve Corps”.

(c) Retirement of Commissioned Officers.—

Section 211 of the Public Health Service Act (42 U.S.C. 212) is amended—

(1) by striking “the Service” each place it appears and inserting “the Regular Corps”;

(2) in subsection (a)(4), by striking “(in the case of an officer in the Reserve Corps)”;

(3) in subsection (c)—
(A) in paragraph (1)—

(i) by striking “or an officer of the Reserve Corps”; and

(ii) by inserting “or under section 221(a)(19)” after “subsection (a)”; and

(B) in paragraph (2), by striking “Regular or Reserve Corps” and inserting “Regular Corps or Ready Reserve Corps”; and

(4) in subsection (f), by striking “the Regular or Reserve Corps of”.

(d) RIGHTS, PRIVILEGES, ETC. OF OFFICERS AND SURVIVING BENEFICIARIES.—Section 221 of the Public Health Service Act (42 U.S.C. 213a) is amended—

(1) in subsection (a), by adding at the end the following:

“(19) Chapter 1223, Retired Pay for Non-Regular Service.

“(20) Section 12601, Compensation: Reserve on active duty accepting from any person.

“(21) Section 12684, Reserves: separation for absence without authority or sentence to imprisonment.”; and

(2) in subsection (b)—

(A) by striking “Secretary of Health, Education, and Welfare or his designee” and insert-
ing “Secretary of Health and Human Services
or the designee of such secretary”;

(B) by striking “(b) The authority vested”
and inserting the following:
“(b)(1) The authority vested”;

(C) by striking “For purposes of” and in-
serting the following:
“(2) For purposes of”; and

(D) by adding at the end the following:
“(3) For purposes of paragraph (19) of subsection
(a), the terms ‘Military department’, ‘Secretary con-
cerned’, and ‘Armed forces’ in such title 10 shall be
deemed to include, respectively, the Department of Health
and Human Services, the Secretary of Health and Human
Services, and the Commissioned Corps.”.

(e) TECHNICAL AMENDMENTS.—Title II of the Pub-
lic Health Service Act (42 U.S.C. 202 et seq.) is amend-
ed—

(1) in sections 204 and 207(c), by striking
“Regular or Reserve Corps” each place it appears
and inserting “Regular Corps or Ready Reserve
Corps”;

(2) in section 208(a), by striking “Regular and
Reserve Corps” each place it appears and inserting
“Regular Corps and Ready Reserve Corps”; and
(3) in section 205(c), 206(c), 210, and 219, and in subsections (a), (b), and (d) of section 207, by striking “Reserve Corps” each place it appears and inserting “Ready Reserve Corps”.

SEC. 3215. LIMITATION ON LIABILITY FOR VOLUNTEER HEALTH CARE PROFESSIONALS DURING COVID-19 EMERGENCY RESPONSE.

(a) LIMITATION ON LIABILITY.—Except as provided in subsection (b), a health care professional shall not be liable under Federal or State law for any harm caused by an act or omission of the professional in the provision of health care services during the public health emergency with respect to COVID-19 declared by the Secretary of Health and Human Services (referred to in this section as the “Secretary”) under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, if—

(1) the professional is providing health care services in response to such public health emergency, as a volunteer; and

(2) the act or omission occurs—

(A) in the course of providing health care services;

(B) in the health care professional’s capacity as a volunteer;
(C) in the course of providing health care services that—

(i) are within the scope of the license, registration, or certification of the volunteer, as defined by the State of licensure, registration, or certification; and

(ii) do not exceed the scope of license, registration, or certification of a substantially similar health professional in the State in which such act or omission occurs; and

(D) in a good faith belief that the individual being treated is in need of health care services.

(b) EXCEPTIONS.—Subsection (a) does not apply if—

(1) the harm was caused by an act or omission constituting willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious flagrant indifference to the rights or safety of the individual harmed by the health care professional; or

(2) the health care professional rendered the health care services under the influence (as determined pursuant to applicable State law) of alcohol or an intoxicating drug.

(c) PREEMPTION.—
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(1) **IN GENERAL.**—This section preempts the laws of a State or any political subdivision of a State to the extent that such laws are inconsistent with this section, unless such laws provide greater protection from liability.

(2) **VOLUNTEER PROTECTION ACT.**—Protection afforded by this section are in addition to those provided by the Volunteer Protection Act of 1997 (Public Law 105–19).

(d) **DEFINITIONS.**—In this section—

(1) the term “harm” includes physical, non-
physical, economic, and noneconomic losses;

(2) the term “health care professional” means an individual who is licensed, registered, or certified under Federal or State law to provide health care services;

(3) the term “health care services” means any services provided by a health care professional, or by any individual working under the supervision of a health care professional that relate to—

(A) the diagnosis, prevention, or treatment of COVID-19; or

(B) the assessment or care of the health of a human being related to an actual or suspected case of COVID-19; and
the term “volunteer” means a health care professional who, with respect to the health care services rendered, does not receive compensation or any other thing of value in lieu of compensation, which compensation—

(A) includes a payment under any insurance policy or health plan, or under any Federal or State health benefits program; and

(B) excludes—

(i) receipt of items to be used exclusively for rendering health care services in the health care professional’s capacity as a volunteer described in subsection (a)(1); and

(ii) any reimbursement for travel to the site where the volunteer services are rendered and any payments in cash or kind to cover room and board, if services are being rendered more than 75 miles from the volunteer’s principal place of residence.

(e) EFFECTIVE DATE.—This section shall take effect upon the date of enactment of this Act, and applies to a claim for harm only if the act or omission that caused such harm occurred on or after the date of enactment.
(f) **SUNSET.**—This section shall be in effect only for the length of the public health emergency declared by the Secretary of Health and Human Services (referred to in this section as the “Secretary”) under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020 with respect to COVID-19.

**SEC. 3216. FLEXIBILITY FOR MEMBERS OF NATIONAL HEALTH SERVICE CORPS DURING EMERGENCY PERIOD.**

During the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID-19, the Secretary may, notwithstanding section 333 of the Public Health Service Act (42 U.S.C. 254f), assign members of the National Health Service Corps, with the voluntary agreement of such corps members, to provide such health services at such places, and for such number of hours, as the Secretary determines necessary to respond to such emergency, provided that such places are within a reasonable distance to the site to which such members were originally assigned, and the total number of hours required are the same as were required of such members prior to the date of enactment of this Act.
Subpart C—Miscellaneous Provisions

SEC. 3221. CONFIDENTIALITY AND DISCLOSURE OF RECORDS RELATING TO SUBSTANCE USE DISORDER.

(a) CONFORMING CHANGES RELATING TO SUBSTANCE USE DISORDER.—Subsections (a) and (h) of section 543 of the Public Health Service Act (42 U.S.C. 290dd–2) are each amended by striking “substance abuse” and inserting “substance use disorder”.

(b) DISCLOSURES TO COVERED ENTITIES CONSISTENT WITH HIPAA.—Paragraph (1) of section 543(b) of the Public Health Service Act (42 U.S.C. 290dd–2(b)) is amended to read as follows:

“(1) CONSENT.—The following shall apply with respect to the contents of any record referred to in subsection (a):

“(A) Such contents may be used or disclosed in accordance with the prior written consent of the patient with respect to whom such record is maintained.

“(B) Once prior written consent of the patient has been obtained, such contents may be used or disclosed by a covered entity, business associate, or a program subject to this section for purposes of treatment, payment, and health care operations as permitted by the HIPAA
regulations. Any information so disclosed may then be redisclosed in accordance with the HIPAA regulations. Section 13405(c) of the Health Information Technology and Clinical Health Act (42 U.S.C. 17935(c)) shall apply to all disclosures pursuant to subsection (b)(1) of this section.

“(C) It shall be permissible for a patient’s prior written consent to be given once for all such future uses or disclosures for purposes of treatment, payment, and health care operations, until such time as the patient revokes such consent in writing.

“(D) Section 13405(a) of the Health Information Technology and Clinical Health Act (42 U.S.C. 17935(a)) shall apply to all disclosures pursuant to subsection (b)(1) of this section.”.

(c) DISCLOSURES OF DE-IDENTIFIED HEALTH INFORMATION TO PUBLIC HEALTH AUTHORITIES.—Paragraph (2) of section 543(b) of the Public Health Service Act (42 U.S.C. 290dd–2(b)), is amended by adding at the end the following:

“(D) To a public health authority, so long as such content meets the standards established
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in section 164.514(b) of title 45, Code of Fed-
eral Regulations (or successor regulations) for
creating de-identified information.”.

(d) DEFINITIONS.—Section 543 of the Public Health
Service Act (42 U.S.C. 290dd–2) is amended by adding
at the end the following:

“(k) DEFINITIONS.—For purposes of this section:

“(1) BREACH.—The term ‘breach’ has the
meaning given such term for purposes of the HIPAA
regulations.

“(2) BUSINESS ASSOCIATE.—The term ‘busi-
ness associate’ has the meaning given such term for
purposes of the HIPAA regulations.

“(3) COVERED ENTITY.—The term ‘covered en-
tity’ has the meaning given such term for purposes
of the HIPAA regulations.

“(4) HEALTH CARE OPERATIONS.—The term
‘health care operations’ has the meaning given such
term for purposes of the HIPAA regulations.

“(5) HIPPA REGULATIONS.—The term
‘HIPAA regulations’ has the meaning given such
term for purposes of parts 160 and 164 of title 45,
Code of Federal Regulations.
“(6) Payment.—The term ‘payment’ has the meaning given such term for purposes of the HIPAA regulations.

“(7) Public health authority.—The term ‘public health authority’ has the meaning given such term for purposes of the HIPAA regulations.

“(8) Treatment.—The term ‘treatment’ has the meaning given such term for purposes of the HIPAA regulations.

“(9) Unsecured protected health information.—The term ‘unprotected health information’ has the meaning given such term for purposes of the HIPAA regulations.”.

(e) Use of Records in Criminal, Civil, or Administrative Investigations, Actions, or Proceedings.—Subsection (c) of section 543 of the Public Health Service Act (42 U.S.C. 290dd–2(c)) is amended to read as follows:

“(c) Use of Records in Criminal, Civil, or Administrative Contexts.—Except as otherwise authorized by a court order under subsection (b)(2)(C) or by the consent of the patient, a record referred to in subsection (a), or testimony relaying the information contained therein, may not be disclosed or used in any civil, criminal, administrative, or legislative proceedings conducted by any
Federal, State, or local authority, against a patient, including with respect to the following activities:

“(1) Such record or testimony shall not be entered into evidence in any criminal prosecution or civil action before a Federal or State court.

“(2) Such record or testimony shall not form part of the record for decision or otherwise be taken into account in any proceeding before a Federal, State, or local agency.

“(3) Such record or testimony shall not be used by any Federal, State, or local agency for a law enforcement purpose or to conduct any law enforcement investigation.

“(4) Such record or testimony shall not be used in any application for a warrant.”.

(f) PENALTIES.—Subsection (f) of section 543 of the Public Health Service Act (42 U.S.C. 290dd–2) is amended to read as follows:

“(f) PENALTIES.—The provisions of sections 1176 and 1177 of the Social Security Act shall apply to a violation of this section to the extent and in the same manner as such provisions apply to a violation of part C of title XI of such Act. In applying the previous sentence—

“(1) the reference to ‘this subsection’ in subsection (a)(2) of such section 1176 shall be treated
as a reference to ‘this subsection (including as applied pursuant to section 543(f) of the Public Health Service Act’); and

“(2) in subsection (b) of such section 1176—

“(A) each reference to ‘a penalty imposed under subsection (a)’ shall be treated as a reference to ‘a penalty imposed under subsection (a) (including as applied pursuant to section 543(f) of the Public Health Service Act’); and

“(B) each reference to ‘no damages obtained under subsection (d)’ shall be treated as a reference to ‘no damages obtained under subsection (d) (including as applied pursuant to section 543(f) of the Public Health Service Act’.”.

(g) ANTIDISCRIMINATION.—Section 543 of the Public Health Service Act (42 U.S.C. 290dd–2) is amended by inserting after subsection (h) the following:

“(i) ANTIDISCRIMINATION.—

“(1) IN GENERAL.—No entity shall discriminate against an individual on the basis of information received by such entity pursuant to an inadvertent or intentional disclosure of records, or information contained in records, described in subsection (a) in—
“(A) admission, access to, or treatment for health care;

“(B) hiring, firing, or terms of employment, or receipt of worker’s compensation;

“(C) the sale, rental, or continued rental of housing;

“(D) access to Federal, State, or local courts; or

“(E) access to, approval of, or maintenance of social services and benefits provided or funded by Federal, State, or local governments.

“(2) RECIPIENTS OF FEDERAL FUNDS.—No recipient of Federal funds shall discriminate against an individual on the basis of information received by such recipient pursuant to an intentional or inadvertent disclosure of such records or information contained in records described in subsection (a) in affording access to the services provided with such funds.”.

(h) NOTIFICATION IN CASE OF BREACH.—Section 543 of the Public Health Service Act (42 U.S.C. 290dd–2), as amended by subsection (g), is further amended by inserting after subsection (i) the following:

“(j) NOTIFICATION IN CASE OF BREACH.—The provisions of section 13402 of the HITECH Act (42 U.S.C.
17932) shall apply to a program or activity described in
subsection (a), in case of a breach of records described
in subsection (a), to the same extent and in the same man-
ner as such provisions apply to a covered entity in the
case of a breach of unsecured protected health informa-
tion.”.

(i) **Regulations.**—

(1) **In general.**—The Secretary of Health and
Human Services, in consultation with appropriate
Federal agencies, shall make such revisions to regu-
lations as may be necessary for implementing and
enforcing the amendments made by this section,
such that such amendments shall apply with respect
to uses and disclosures of information occurring on
or after the date that is 12 months after the date
of enactment of this Act.

(2) **Easily understandable notice of pri-

vacy practices.**—Not later than 1 year after the
date of enactment of this Act, the Secretary of
Health and Human Services, in consultation with
appropriate legal, clinical, privacy, and civil rights
experts, shall update section 164.520 of title 45,
Code of Federal Regulations, so that covered entities
and entities creating or maintaining the records de-
scribed in subsection (a) provide notice, written in
plain language, of privacy practices regarding pa-
tient records referred to in section 543(a) of the
Public Health Service Act (42 U.S.C. 290dd–2(a)),
including—

(A) a statement of the patient’s rights, in-
cluding self-pay patients, with respect to pro-
tected health information and a brief descrip-
tion of how the individual may exercise these
rights (as required by subsection (b)(1)(iv) of
such section 164.520); and

(B) a description of each purpose for
which the covered entity is permitted or re-
quired to use or disclose protected health infor-
mation without the patient’s written authoriza-
tion (as required by subsection (b)(2) of such
section 164.520).

(j) RULES OF CONSTRUCTION.—Nothing in this Act
or the amendments made by this Act shall be construed
to limit—

(1) a patient’s right, as described in section
164.522 of title 45, Code of Federal Regulations, or
any successor regulation, to request a restriction on
the use or disclosure of a record referred to in sec-
tion 543(a) of the Public Health Service Act (42
U.S.C. 290dd–2(a)) for purposes of treatment, payment, or health care operations; or

(2) a covered entity’s choice, as described in section 164.506 of title 45, Code of Federal Regulations, or any successor regulation, to obtain the consent of the individual to use or disclose a record referred to in such section 543(a) to carry out treatment, payment, or health care operation.

(k) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) any person treating a patient through a program or activity with respect to which the confidentiality requirements of section 543 of the Public Health Service Act (42 U.S.C. 290dd–2) apply is encouraged to access the applicable State-based prescription drug monitoring program when clinically appropriate;

(2) patients have the right to request a restriction on the use or disclosure of a record referred to in section 543(a) of the Public Health Service Act (42 U.S.C. 290dd–2(a)) for treatment, payment, or health care operations;

(3) covered entities should make every reasonable effort to the extent feasible to comply with a
patient’s request for a restriction regarding such use or disclosure;

(4) for purposes of applying section 164.501 of title 45, Code of Federal Regulations, the definition of health care operations shall have the meaning given such term in such section, except that clause (v) of paragraph (6) shall not apply; and

(5) programs creating records referred to in section 543(a) of the Public Health Service Act (42 U.S.C. 290dd–2(a)) should receive positive incentives for discussing with their patients the benefits to consenting to share such records.

SEC. 3222. NUTRITION SERVICES.

(a) Definitions.—In this section, the terms “Assistant Secretary”, “Secretary”, “State agency”, and “area agency on aging” have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(b) Nutrition Services Transfer Criteria.—During any portion of the COVID–19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), the Secretary shall allow a State agency or an area agency on aging, without prior approval, to transfer not more than 100 percent of the funds received by the State agency or area agency on
aging, respectively, and attributable to funds appropriated under paragraph (1) or (2) of section 303(b) of the Older Americans Act of 1965 (42 U.S.C. 3023(b)), between subpart 1 and subpart 2 of part C (42 U.S.C. 3030d–2 et seq.) for such use as the State agency or area agency on aging, respectively, considers appropriate to meet the needs of the State or area served.

(c) HOME-DELIVERED NUTRITION SERVICES WAIVER.—For purposes of State agencies’ determining the delivery of nutrition services under section 337 of the Older Americans Act of 1965 (42 U.S.C. 3030g), during the period of the COVID–19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), the same meaning shall be given to an individual who is unable to obtain nutrition because the individual is practicing social distancing due to the emergency as is given to an individual who is homebound by reason of illness.

(d) DIETARY GUIDELINES WAIVER.—To facilitate implementation of subparts 1 and 2 of part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030d–2 et seq.) during any portion of the COVID–19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), the Assistant Secretary may waive the requirements for meals provided
under those subparts to comply with the requirements of clauses (i) and (ii) of section 339(2)(A) of such Act (42 U.S.C. 3030g–21(2)(A)).


To ensure continuity of service and opportunities for participants in community service activities under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.), the Secretary of Labor—

(1)(A) may allow individuals participating in projects under such title as of March 1, 2020, to extend their participation for a period that exceeds the period described in section 518(a)(3)(B)(i) of such Act (42 U.S.C. 3056p(a)(3)(B)(i)) if the Secretary determines such extension is appropriate due to the effects of the COVID–19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d); and

(B) may increase the average participation cap for eligible individuals applicable to grantees as described in section 502(b)(1)(C) of the Older Americans Act of 1965 (42 U.S.C. 3056(b)(1)(C)) to a cap the Secretary determines is appropriate due to
the effects of the COVID–19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d); and

(2) may increase the amount available to pay the authorized administrative costs for a project, described in section 502(c)(3) of the Older Americans Act of 1965 (42 U.S.C. 3056(c)(3)) to an amount not to exceed 20 percent of the grant amount if the Secretary determines that such increase is necessary to adequately respond to the additional administrative needs to respond to the COVID–19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d).

SEC. 3224. GUIDANCE ON PROTECTED HEALTH INFORMATION.

Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance on the sharing of patients’ protected health information pursuant to section 160.103 of title 45, Code of Federal Regulations (or any successor regulations) during the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID-19, during the emergency involving Federal primary responsibility determined to exist by
the President under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)) with respect to COVID-19, and during the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to COVID-19. Such guidance shall include information on compliance with the regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) and applicable policies, including such policies that may come into effect during such emergencies.

SEC. 3225. REAUTHORIZATION OF HEALTHY START PROGRAM.

Section 330H of the Public Health Service Act (42 U.S.C. 254c–8) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “, during fiscal year 2001 and subsequent years,”; and

(B) in paragraph (2), by inserting “or increasing above the national average” after “areas with high”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “consumers of project services, public health departments, hospitals, health centers under section
330” and inserting “participants and former
participants of project services, public health
departments, hospitals, health centers under
section 330, State substance abuse agencies”;
and
(B) in paragraph (2)—

(i) in subparagraph (A), by striking
“such as low birthweight” and inserting
“including poor birth outcomes (such as
low birthweight and preterm birth) and so-
cial determinants of health”;

(ii) by redesignating subparagraph
(B) as subparagraph (C);

(iii) by inserting after subparagraph
(A), the following:
“(B) Communities with—
“(i) high rates of infant mortality or
poor perinatal outcomes; or
“(ii) high rates of infant mortality or
poor perinatal outcomes in specific sub-
populations within the community.”; and

(iv) in subparagraph (C) (as so redes-
ignated)—
(I) by redesignating clauses (i) and (ii) as clauses (ii) and (iii), respectively;

(II) by inserting before clause (ii) (as so redesignated) the following:

“(i) collaboration with the local community in the development of the project;”;

(III) in clause (ii) (as so redesignated), by striking “and” at the end;

(IV) in clause (iii) (as so redesignated), by striking the period and inserting “; and”;

(V) by adding at the end the following:

“(iv) the use and collection of data demonstrating the effectiveness of such program in decreasing infant mortality rates and improving perinatal outcomes, as applicable, or the process by which new applicants plan to collect this data.”;

(3) in subsection (e)—

(A) by striking “Recipients of grants” and inserting the following:

“(1) IN GENERAL.—Recipients of grants”; and

(B) by adding at the end the following:
“(2) OTHER PROGRAMS.—The Secretary shall ensure coordination of the program carried out pursuant to this section with other programs and activities related to the reduction of the rate of infant mortality and improved perinatal and infant health outcomes supported by the Department.”;

(4) in subsection (e)—

(A) in paragraph (1), by striking “appropriated—” and all that follows through the end and inserting “appropriated $125,500,000 for each of fiscal years 2021 through 2025.”; and

(B) in paragraph (2)(B), by adding at the end the following: “Evaluations may also include, to the extent practicable, information related to—

“(i) progress toward achieving any grant metrics or outcomes related to reducing infant mortality rates, improving perinatal outcomes, or reducing the disparity in health status;

“(ii) recommendations on potential improvements that may assist with addressing gaps, as applicable and appropriate; and
“(iii) the extent to which the grantee coordinated with the community in which the grantee is located in the development of the project and delivery of services, including with respect to technical assistance and mentorship programs.”; and

(5) by adding at the end the following:

“(f) GAO Report.—

“(1) In general.—Not later than 4 years after the date of the enactment of this subsection, the Comptroller General of the United States shall conduct an independent evaluation, and submit to the appropriate Committees of Congress a report, concerning the Healthy Start program under this section.

“(2) Evaluation.—In conducting the evaluation under paragraph (1), the Comptroller General shall consider, as applicable and appropriate, information from the evaluations under subsection (e)(2)(B).

“(3) Report.—The report described in paragraph (1) shall review, assess, and provide recommendations, as appropriate, on the following:

“(A) The allocation of Healthy Start program grants by the Health Resources and Serv-
ices Administration, including considerations made by such Administration regarding disparities in infant mortality or perinatal outcomes among urban and rural areas in making such awards.

“(B) Trends in the progress made toward meeting the evaluation criteria pursuant to subsection (e)(2)(B), including programs which decrease infant mortality rates and improve perinatal outcomes, programs that have not decreased infant mortality rates or improved perinatal outcomes, and programs that have made an impact on disparities in infant mortality or perinatal outcomes.

“(C) The ability of grantees to improve health outcomes for project participants, promote the awareness of the Healthy Start program services, incorporate and promote family participation, facilitate coordination with the community in which the grantee is located, and increase grantee accountability through quality improvement, performance monitoring, evaluation, and the effect such metrics may have toward decreasing the rate of infant mortality and improving perinatal outcomes.
“(D) The extent to which such Federal programs are coordinated across agencies and the identification of opportunities for improved coordination in such Federal programs and activities.”.

SEC. 3226. IMPORTANCE OF THE BLOOD SUPPLY.

(a) In General.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall carry out a national campaign to improve awareness of, and support outreach to, the public and health care providers about the importance and safety of blood donation and the need for donations for the blood supply during the public health emergency declared by the Secretary under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID-19.

(b) Awareness Campaign.—In carrying out subsection (a), the Secretary may enter into contracts with one or more public or private nonprofit entities, to establish a national blood donation awareness campaign that may include television, radio, internet, and newspaper public service announcements, and other activities to provide for public and professional awareness and education.

(e) Consultation.—In carrying out subsection (a), the Secretary shall consult with the Commissioner of Food and Drugs, the Assistant Secretary for Health, the Direc-
tor of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, and the heads of other relevant Federal agencies, and relevant accrediting bodies and representative organizations.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report that shall include—

(1) a description of the activities carried out under subsection (a);

(2) a description of trends in blood supply donations; and

(3) an evaluation of the impact of the public awareness campaign, including any geographic or population variations.

PART III—INNOVATION

SEC. 3301. REMOVING THE CAP ON OTA DURING PUBLIC HEALTH EMERGENCIES.

Section 319L(c)(5)(A) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(5)(A)) is amended—

(1) by redesignating clause (iii) as clause (iv); and

(2) by inserting after clause (ii) the following:
“(ii) Authority during a public health emergency.—

“(I) In general.—Notwithstanding clause (ii), the Secretary, shall, to the maximum extent practicable, use competitive procedures when entering into transactions to carry out projects under this subsection for purposes of a public health emergency declared by the Secretary under section 319. Any such transactions entered into during such public health emergency shall not be terminated solely due to the expiration of such public health emergency, if such public health emergency ends before the completion of the terms of such agreement.

“(II) Report.—After the expiration of the public health emergency declared by the Secretary under section 319, the Secretary shall provide a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on En-
ergy and Commerce of the House of Representatives regarding the use of any funds pursuant to the authority under subclause (I), including any outcomes, benefits, and risks associated with the use of such funds, and a description of the reasons for the use of such authority for the project or projects.”.

SEC. 3302. PRIORITY ZOONOTIC ANIMAL DRUGS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 512 the following:

“SEC. 512A. PRIORITY ZOONOTIC ANIMAL DRUGS.

“(a) In General.—The Secretary shall, at the request of the sponsor intending to submit an application for approval of a new animal drug under section 512(b)(1) or an application for conditional approval of a new animal drug under section 571, expedite the development and review of such new animal drug if preliminary clinical evidence indicates that the new animal drug, alone or in combination with 1 or more other animal drugs, has the potential to prevent or treat a zoonotic disease in animals, including a vector borne-disease, that has the potential to
cause serious adverse health consequences for, or serious
or life-threatening diseases in, humans.

“(b) REQUEST FOR DESIGNATION.—The sponsor of
a new animal drug may request the Secretary to designate
a new animal drug described in subsection (a) as a priority
zoonotic animal drug. A request for the designation may
be made concurrently with, or at any time after, the open-
ing of an investigational new animal drug file under sec-
tion 512(j) or the filing of an application under section
512(b)(1) or 571.

“(c) DESIGNATION.—

“(1) IN GENERAL.—Not later than 60 calendar
days after the receipt of a request under subsection
(b), the Secretary shall determine whether the new
animal drug that is the subject of the request meets
the criteria described in subsection (a). If the Sec-
retary determines that the new animal drug meets
the criteria, the Secretary shall designate the new
animal drug as a priority zoonotic animal drug and
shall take such actions as are appropriate to exped-
ite the development and review of the application
for approval or conditional approval of such new ani-
mal drug.
“(2) ACTIONS.—The actions to expedite the development and review of an application under paragraph (1) may include, as appropriate—

“(A) taking steps to ensure that the design of clinical trials is as efficient as practicable, when scientifically appropriate, such as by utilizing novel trial designs or drug development tools (including biomarkers) that may reduce the number of animals needed for studies;

“(B) providing timely advice to, and interactive communication with, the sponsor (which may include meetings with the sponsor and review team) regarding the development of the new animal drug to ensure that the development program to gather the nonclinical and clinical data necessary for approval is as efficient as practicable;

“(C) involving senior managers and review staff with experience in zoonotic or vector-borne disease to facilitate collaborative, cross-disciplinary review, including, as appropriate, across agency centers; and

“(D) implementing additional administrative or process enhancements, as necessary, to
facilitate an efficient review and development program.”.

PART IV—HEALTH CARE WORKFORCE

SEC. 3401. REAUTHORIZATION OF HEALTH PROFESSIONS WORKFORCE PROGRAMS.

Title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) is amended—

(1) in section 736 (42 U.S.C. 293), by striking subsection (i) and inserting the following:

“(i) Authorization of Appropriations.—To carry out this section, there is authorized to be appropriated $23,711,000 for each of fiscal years 2021 through 2025.”;

(2) in section 740 (42 U.S.C. 293d)—

(A) in subsection (a), by striking “$51,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014” and inserting “$51,470,000 for each of fiscal years 2021 through 2025”; 

(B) in subsection (b), by striking “$5,000,000 for each of the fiscal years 2010 through 2014” and inserting “$1,190,000 for each of fiscal years 2021 through 2025”;
(C) in subsection (c), by striking
"$60,000,000 for fiscal year 2010 and such
sums as may be necessary for each of the fiscal
years 2011 through 2014" and inserting
"$15,000,000 for each of fiscal years 2021
through 2025"; and

(D) in subsection (d), by striking "Not
Later than 6 months after the date of enact-
tment of this part, the Secretary shall prepare
and submit to the appropriate committees of
Congress" and inserting: "Not later than Sep-
tember 30, 2025, and every five years there-
after, the Secretary shall prepare and submit to
the Committee on Health, Education, Labor,
and Pensions of the Senate, and the Committee
on Energy and Commerce of the House of Rep-
resentatives,";

(3) in section 747 (42 U.S.C. 293k)—

(A) in subsection (a)—

(i) in paragraph (1)(G), by striking
"to plan, develop, and operate a dem-
onstration program that provides training"
and inserting: "to plan, develop, and oper-
ate a program that identifies or develops
innovative models of providing care, and
trains primary care physicians on such
models and’’; and

(ii) by adding at the end the fol-
lowing:

“(3) PRIORITIES IN MAKING AWARDS.—In
awarding grants or contracts under paragraph (1),
the Secretary may give priority to qualified appli-
cants that train residents in rural areas, including
for Tribes or Tribal Organizations in such areas.”;

(B) in subsection (b)(3)(E), by striking
“substance-related disorders” and inserting
“substance use disorders”; and

(C) in subsection (c)(1), by striking
“$125,000,000 for fiscal year 2010, and such
sums as may be necessary for each of fiscal
years 2011 through 2014” and inserting
“$48,924,000 for each of fiscal years 2021
through 2025”;

(4) in section 748 (42 U.S.C. 293k–2)—

(A) in subsection (c)(5), by striking “sub-
stance-related disorders” and inserting “sub-
stance use disorders”; and

(B) in subsection (f), by striking
“$30,000,000 for fiscal year 2010 and such
sums as may be necessary for each of fiscal
years 2011 through 2015” and inserting
“$28,531,000 for each of fiscal years 2021
through 2025”;
(5) in section 749(d)(2) (42 U.S.C. 293l(d)(2)),
by striking “Committee on Labor and Human Re-
sources of the Senate, and the Committee on Com-
merce of the House of Representatives” and insert-
ing “Committee on Health, Education, Labor, and
Pensions of the Senate, and the Committee on En-
ergy and Commerce of the House of Representa-
tives”;
(6) in section 751(j)(1) (42 U.S.C. 294a(j)(1)),
by striking “$125,000,000 for each of the fiscal
years 2010 through 2014” and inserting
“$41,250,000 for each of fiscal years 2021 through
2025”;  
(7) in section 754(b)(1)(A) (42 U.S.C.
294d(b)(1)(A)), by striking “new and innovative”
and inserting “innovative or evidence-based”;
(8) in section 755(b)(1)(A) (42 U.S.C.
294e(b)(1)(A)), by striking “the elderly” and insert-
ing “geriatric populations or for maternal and child
health”;
(9) in section 761(e) (42 U.S.C. 294n(e))—
(A) in paragraph (1)(A), by striking "$7,500,000 for each of fiscal years 2010 through 2014" and inserting "$5,663,000 for each of fiscal years 2021 through 2025"; and

(B) in paragraph (2), by striking "subsection (a)" and inserting "paragraph (1)";

(10) in section 762 (42 U.S.C. 294o)—

(A) in subsection (a)(1), by striking "Committee on Labor and Human Resources" and inserting "Committee on Health, Education, Labor, and Pensions";

(B) in subsection (b)—

(i) in paragraph (2), by striking "Health Care Financing Administration" and inserting "Centers for Medicare & Medicaid Services";

(ii) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(iii) by inserting after paragraph (3), the following:

"(4) the Administrator of the Health Resources and Services Administration;"

(C) by striking subsections (i), (j), and (k) and inserting the following:
(i) REPORTS.—Not later than September 30, 2023, and not less than every 5 years thereafter, the Council shall submit to the Secretary, and to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the recommendations described in subsection (a).”; and

(D) by redesignating subsection (l) as subsection (j);

(11) in section 766(b)(1) (42 U.S.C. 295a(b)(1)), by striking “that plans” and all that follows through the period and inserting “that plans, develops, operates, and evaluates projects to improve preventive medicine, health promotion and disease prevention, or access to and quality of health care services in rural or medically underserved communities.”;

(12) in section 770(a) (42 U.S.C. 295e(a)), by striking “$43,000,000 for fiscal year 2011, and such sums as may be necessary for each of the fiscal years 2012 through 2015” and inserting “$17,000,000 for each of fiscal years 2021 through 2025”; and

(13) in section 775(e) (42 U.S.C. 295f(e)), by striking “$30,000,000” and all that follows through
the period and inserting “such sums as may be necessary for each of fiscal years 2021 through 2025.”.

SEC. 3402. HEALTH WORKFORCE COORDINATION.

(a) Strategic Plan.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this Act as the “Secretary”), in consultation with the Advisory Committee on Training in Primary Care Medicine and Dentistry and the Advisory Council on Graduate Medical Education, shall develop a comprehensive and coordinated plan with respect to the health care workforce development programs of the Department of Health and Human Services, including education and training programs.

(2) Requirements.—The plan under paragraph (1) shall—

(A) include performance measures to determine the extent to which the programs described in paragraph (1) are strengthening the Nation’s health care system;

(B) identify any gaps that exist between the outcomes of programs described in paragraph (1) and projected health care workforce needs identified in workforce projection reports
conducted by the Health Resources and Services Administration;

(C) identify actions to address the gaps described in subparagraph (B); and

(D) identify barriers, if any, to implementing the actions identified under subparagraph (C).

(b) COORDINATION WITH OTHER AGENCIES.—The Secretary shall coordinate with the heads of other Federal agencies and departments that fund or administer health care workforce development programs, including education and training programs, to—

(1) evaluate the performance of such programs, including the extent to which such programs are efficient and effective and are meeting the nation’s health workforce needs; and

(2) identify opportunities to improve the quality and consistency of the information collected to evaluate within and across such programs, and to implement such improvements.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives, a report de-
scribing the plan developed under subsection (a) and ac-
tions taken to implement such plan.

SEC. 3403. EDUCATION AND TRAINING RELATING TO GERI-
ATRICS.

Section 753 of the Public Health Service Act (42
U.S.C. 294c) is amended to read as follows:

“SEC. 753. EDUCATION AND TRAINING RELATING TO GERI-
ATRICS.

“(a) GERIATRICS WORKFORCE ENHANCEMENT PRO-
GRAM.—

“(1) IN GENERAL.—The Secretary shall award
grants, contracts, or cooperative agreements under
this subsection to entities described in paragraph
(1), (3), or (4) of section 799B, section 801(2), or
section 865(d), or other health professions schools or
programs approved by the Secretary, for the estab-
lishment or operation of Geriatrics Workforce En-
hancement Programs that meet the requirements of
paragraph (2).

“(2) REQUIREMENTS.—

“(A) IN GENERAL.—A Geriatrics Work-
force Enhancement Program receiving an
award under this section shall support the
training of health professionals in geriatrics, in-
cluding traineeships or fellowships. Such pro-
grams shall emphasize, as appropriate, patient and family engagement, integration of geriatrics with primary care and other appropriate specialties, and collaboration with community partners to address gaps in health care for older adults.

“(B) Activities.—Activities conducted by a program under this section may include the following:

“(i) Clinical training on providing integrated geriatrics and primary care delivery services.

“(ii) Interprofessional training to practitioners from multiple disciplines and specialties, including training on the provision of care to older adults.

“(iii) Establishing or maintaining training-related community-based programs for older adults and caregivers to improve health outcomes for older adults.

“(iv) Providing education on Alzheimer’s disease and related dementias to families and caregivers of older adults, direct care workers, and health professions students, faculty, and providers.
“(3) **DURATION.**—Each grant, contract, or cooperative agreement or contract awarded under paragraph (1) shall be for a period not to exceed 5 years.

“(4) **APPLICATIONS.**—To be eligible to receive a grant, contract, or cooperative agreement under paragraph (1), an entity described in such paragraph shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(5) **PROGRAM REQUIREMENTS.**—

“(A) **IN GENERAL.**—In awarding grants, contracts, and cooperative agreements under paragraph (1), the Secretary—

“(i) shall give priority to programs that demonstrate coordination with another Federal or State program or another public or private entity;

“(ii) shall give priority to applicants with programs or activities that are expected to substantially benefit rural or medically underserved populations of older adults, or serve older adults in Indian Tribes or Tribal organizations; and
“(iii) may give priority to any program that—

“(I) integrates geriatrics into primary care practice;

“(II) provides training to integrate geriatric care into other specialties across care settings, including practicing clinical specialists, health care administrators, faculty without backgrounds in geriatrics, and students from all health professions;

“(III) emphasizes integration of geriatric care into existing service delivery locations and care across settings, including primary care clinics, medical homes, Federally qualified health centers, ambulatory care clinics, critical access hospitals, emergency care, assisted living and nursing facilities, and home- and community-based services, which may include adult daycare;

“(IV) supports the training and retraining of faculty, primary care providers, other direct care providers,
and other appropriate professionals on geriatrics;

“(V) emphasizes education and engagement of family caregivers on disease management and strategies to meet the needs of caregivers of older adults; or

“(VI) proposes to conduct outreach to communities that have a shortage of geriatric workforce professionals.

“(B) Special Consideration.—In awarding grants, contracts, and cooperative agreements under this section, the Secretary shall give special consideration to entities that provide services in areas with a shortage of geriatric workforce professionals.

“(6) Priority.—The Secretary may provide awardees with additional support for activities in areas of demonstrated need, which may include education and training for home health workers, family caregivers, and direct care workers on care for older adults.

“(7) Reporting.—
“(A) REPORTS FROM ENTITIES.—Each entity awarded a grant, contract, or cooperative agreement under this section shall submit an annual report to the Secretary on the activities conducted under such grant, contract, or cooperative agreement, which may include information on the number of trainees, the number of professions and disciplines, the number of partnerships with health care delivery sites, the number of faculty and practicing professionals who participated in such programs, and other information, as the Secretary may require.

“(B) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of the Title VII Health Care Workforce Reauthorization Act of 2019 and every 5 years thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that provides a summary of the activities and outcomes associated with grants, contracts, and cooperative agreements made under this section. Such reports shall include—
“(i) information on the number of trainees, faculty, and professionals who participated in programs under this section;

“(ii) information on the impact of the program conducted under this section on the health status of older adults, including in areas with a shortage of health professionals; and

“(iii) information on outreach and education provided under this section to families and caregivers of older adults.

“(C) Public availability.—The Secretary shall make reports submitted under paragraph (B) publically available on the internet website of the Department of Health and Human Services.

“(b) Geriatric Academic Career Awards.—

“(1) Establishment of program.—The Secretary shall, as appropriate, establish or maintain a program to provide geriatric academic career awards to eligible entities applying on behalf of eligible individuals to promote the career development of such individuals as academic geriatricians or other academic geriatrics health professionals.
“(2) ELIGIBILITY.—

“(A) ELIGIBLE ENTITY.—For purposes of this subsection, the term ‘eligible entity’ means—

“(i) an entity described in paragraph (1), (3), or (4) of section 799B or section 801(2); or

“(ii) another accredited health professions school or graduate program approved by the Secretary.

“(B) ELIGIBLE INDIVIDUAL.—For purposes of this subsection, the term ‘eligible individual’ means an individual who—

“(i)(I) is board certified or board eligible in internal medicine, family practice, psychiatry, or licensed dentistry, or has completed required training in a discipline and is employed in an accredited health professions school or graduate program that is approved by the Secretary; or

“(II) has completed an approved fellowship program in geriatrics, or has completed specialty training in geriatrics as required by the discipline and any additional
geriatrics training as required by the Secretary; and

“(ii) has a junior, nontenured, faculty appointment at an accredited health professions school or graduate program in geriatrics or a geriatrics health profession.

“(C) CLARIFICATION.—If an eligible individual is promoted during the period of an award under this subsection and thereby no longer meets the criteria of subparagraph (B)(ii), the individual shall continue to be treated as an eligible individual through the term of the award.

“(3) APPLICATION REQUIREMENTS.—In order to receive an award under paragraph (1), an eligible entity, on behalf of an eligible individual, shall—

“(A) submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require;

“(B) provide, in such form and manner as the Secretary may require, assurances that the eligible individual will meet the service requirement described in paragraph (6); and
“(C) provide, in such form and manner as
the Secretary may require, assurances that the
individual has a full-time faculty appointment
in a health professions institution and docu-
mented commitment from such eligible entity
that the individual will spend 75 percent of the
individual’s time that is supported by the award
on teaching and developing skills in inter-
disciplinary education in geriatrics.

“(4) EQUITABLE DISTRIBUTION.—In making
awards under this subsection, the Secretary shall
seek to ensure geographical distribution among
award recipients, including among rural or medically
underserved areas of the United States.

“(5) AMOUNT AND DURATION.—

“(A) AMOUNT.—The amount of an award
under this subsection shall be at least $75,000
for fiscal year 2021, adjusted for subsequent
years in accordance with the consumer price
index. The Secretary shall determine the
amount of an award under this subsection for
individuals who are not physicians.

“(B) DURATION.—The Secretary shall
make awards under paragraph (1) for a period
not to exceed 5 years.
“(6) Service requirement.—An individual who receives an award under this subsection shall provide training in clinical geriatrics, including the training of interprofessional teams of health care professionals. The provision of such training shall constitute at least 75 percent of the obligations of such individual under the award.

“(c) Nonapplicability of provision.—Notwithstanding any other provision of this title, section 791(a) shall not apply to awards made under this section.

“(d) Authorization of appropriations.—There is authorized to be appropriated $40,737,000 for each of fiscal years 2021 through 2025 for purposes of carrying out this section.”.

SEC. 3404. NURSING WORKFORCE DEVELOPMENT.

(a) In General.—Title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) is amended—

(1) in section 801 (42 U.S.C. 296), by adding at the end the following:

“(18) Nurse managed health clinic.—The term ‘nurse managed health clinic’ means a nurse-practice arrangement, managed by advanced practice nurses, that provides primary care or wellness services to underserved or vulnerable populations and that is associated with a school, college, university or
department of nursing, federally qualified health
center, or independent nonprofit health or social
services agency.”;

(2) in section 802(c) (42 U.S.C. 296a(c)), by
inserting “, and how such project aligns with the
goals in section 806(a)” before the period in the sec-
ond sentence;

(3) in section 803(b) (42 U.S.C. 296b(b)), by
adding at the end the following: “Such Federal
funds are intended to supplement, not supplant, ex-
isting non-Federal expenditures for such activities.”;

(4) in section 806 (42 U.S.C. 296c)—

(A) in subsection (a), by striking “as need-
ed to” and all that follows and inserting the fol-
lowing: “as needed to address national nursing
needs, including—

“(1) addressing challenges, including through
supporting training and education of nursing stu-
dents, related to the distribution of the nursing
workforce and existing or projected nursing work-
force shortages in geographic areas that have been
identified as having, or that are projected to have,
a nursing shortage;

“(2) increasing access to and the quality of
health care services, including by supporting the
training of professional registered nurses, advanced practice registered nurses, and advanced education nurses within community based settings and in a variety of health delivery system settings; or

“(3) addressing the strategic goals and priorities identified by the Secretary and that are in accordance with this title.

Contracts may be entered into under this title with public or private entities as determined necessary by the Secretary.”;

(B) in subsection (b)(2), by striking “a demonstration” and all that follows and inserting the following: “the reporting of data and information demonstrating that satisfactory progress has been made by the program or project in meeting the performance outcome standards (as described in section 802) of such program or project.”;

(C) in subsection (e)(2), by inserting “, and have relevant expertise and experience” before the period at the end of the first sentence; and

(D) by adding at the end the following:

“(i) Biennial Report on Nursing Workforce Program Improvements.—Not later than September
30, 2020, and biennially thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report that contains an assessment of the programs and activities of the Department of Health and Human Services related to enhancing the nursing workforce, including the extent to which programs and activities under this title meet the identified goals and performance measures developed for the respective programs and activities, and the extent to which the Department coordinates with other Federal departments regarding programs designed to improve the nursing workforce.”;

(5) in section 811 (42 U.S.C. 296j)—

(A) in subsection (b)—

(i) by striking “Master’s” and inserting “graduate”; and

(ii) by inserting “clinical nurse leaders,” after “nurse administrators,”;

(B) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(C) by inserting after subsection (e), the following:

“(f) AUTHORIZED CLINICAL NURSE SPECIALIST PROGRAMS.—Clinical nurse specialist programs eligible
for support under this section are education programs that—

“(1) provide registered nurses with full-time clinical nurse specialist education; and

“(2) have as their objective the education of clinical nurse specialists who will, upon completion of such a program, be qualified to effectively provide care through the wellness and illness continuum to inpatients and outpatients experiencing acute and chronic illness.”; and

(6) in section 831 (42 U.S.C. 296p)—

(A) in the section heading, by striking “AND QUALITY GRANTS” and inserting “QUALITY, AND RETENTION GRANTS”;

(B) in subsection (b)(2), by striking “other high-risk groups such as the elderly, individuals with HIV/AIDS, substance abusers, the homeless, and victims” and inserting “high risk groups, such as the elderly, individuals with HIV/AIDS, individuals with mental health or substance use disorders, individuals who are homeless, and survivors”;

(C) in subsection (c)(1)—

(i) in subparagraph (A)—
(I) by striking “advancement for nursing personnel” and inserting the following: “advancement for—
“(i) nursing”;

(II) by striking “professional nurses, advanced education nurses, licensed practical nurses, certified nurse assistants, and home health aides” and inserting “professional registered nurses, advanced practice registered nurses, and nurses with graduate nursing education”; and

(III) by adding at the end the following:
“(ii) individuals including licensed practical nurses, licensed vocational nurses, certified nurse assistants, home health aides, diploma degree or associate degree nurses, and other health professionals, such as health aides or community health practitioners certified under the Community Health Aide Program of the Indian Health Service, to become registered nurses with baccalaureate degrees or nurses with graduate nursing education;”;}
(ii) in subparagraph (B), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(C) developing and implementing internships, accredited fellowships, and accredited residency programs in collaboration with one or more accredited schools of nursing, to encourage the mentoring and development of specialties.”;

(D) by striking subsections (e) and (h);

(E) by redesignating subsections (f) and (g), as subsections (e) and (f), respectively;

(F) in subsection (e) (as so redesignated), by striking “The Secretary shall submit to the Congress before the end of each fiscal year” and inserting “As part of the report on nursing workforce programs described in section 806(i), the Secretary shall include”; and

(G) in subsection (f) (as so redesignated), by striking “a school of nursing, as defined in section 801(2),” and inserting “an accredited school of nursing, as defined in section 801(2), a health care facility, including federally qualified health centers or nurse-managed health
clinics, or a partnership of such a school and facility’’;

(7) by striking section 831A (42 U.S.C. 296p–1);

(8) in section 846 (42 U.S.C. 297n)—

(A) by striking the last sentence of subsection (a);

(B) in subsection (b)(1), by striking “he began such practice” and inserting “the individual began such practice”; and

(C) in subsection (i), by striking “FUNDING” in the subsection heading and all that follows through “paragraph (1)” in paragraph (2), and inserting the following: “ALLOCATIONS.—Of the amounts appropriated under section 871(b),”;

(9) in section 846A (42 U.S.C. 247n–1), by striking subsection (f);

(10) in section 847 (42 U.S.C. 297o), by striking subsection (g);

(11) in section 851 (42 U.S.C. 297t)—

(A) in subsection (b)(1)(A)(iv), by striking “and nurse anesthetists” and inserting “nurse anesthetists, and clinical nurse specialists”;

(B) in subsection (d)(3)—
(i) by striking “3 years after the date of enactment of this section” and inserting “2 years after the date of enactment of the Title VIII Nursing Reauthorization Act”;

(ii) by striking “Labor and Human Resources” and inserting “Health, Education, Labor, and Pensions”; and

(iii) by inserting “Energy and” before “Commerce”; and

(C) in subsection (g), by striking “under this title” and inserting “for carrying out parts B, C, and D”;

(12) by striking sections 861 and 862 (42 U.S.C. 297w and 297x); and

(13) in section 871 (42 U.S.C. 298d)—

(A) by striking “For the purpose of” and inserting the following:

“(a) IN GENERAL.—For the purpose of”;

(B) by striking “$338,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2016” and inserting “$137,837,000 for each of fiscal years 2021 through 2025”; and

(C) by adding at the end the following:
“(b) PART E.—For the purpose of carrying out part E, there are authorized to be appropriated $117,135,000 for each of the fiscal years 2021 through 2025.”.

(b) EVALUATION AND REPORT ON NURSE LOAN REPAYMENT PROGRAMS.—

(1) EVALUATION.—The Comptroller General shall conduct an evaluation of the nurse loan repayment programs administered by the Health Resources and Services Administration. Such evaluation shall include—

(A) the manner in which payments are made under such programs;

(B) the existing oversight functions necessary to ensure the proper use of such programs, including payments made as part of such programs;

(C) the identification of gaps, if any, in oversight functions; and

(D) information on the number of nurses assigned to facilities pursuant to such programs, including the type of facility to which nurses are assigned and the impact of modifying the eligibility requirements for programs under section 846 of the Public Health Service Act (42 U.S.C. 297n), such as the impact on
entities to which nurses had previously been assigned prior to fiscal year 2019 (such as federally qualified health centers and facilities affiliated with the Indian Health Service).

(2) REPORT.—Not later than 18 months after the enactment of this Act, the Comptroller General shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the evaluation under paragraph (1), which may include recommendations to improve relevant nursing workforce loan repayment programs.

Subtitle B—Education Provisions

SEC. 3501. SHORT TITLE.
This subtitle may be cited as the “COVID-19 Pandemic Education Relief Act of 2020”.

SEC. 3502. DEFINITIONS.
(a) DEFINITIONS.—In this subtitle:

(1) CORONAVIRUS.—The term “coronavirus” has the meaning given the term in section 506 of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123).
(2) FOREIGN INSTITUTION.—The term “foreign institution” means an institution of higher education located outside the United States that is described in paragraphs (1)(C) and (2) of section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)).

(3) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning of the term under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(4) QUALIFYING EMERGENCY.—The term “qualifying emergency” means—

(A) a public health emergency related to the coronavirus declared by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d);

(B) an event related to the coronavirus for which the President declared a major disaster or an emergency under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191); or

(C) a national emergency related to the coronavirus declared by the President under
section 201 of the National Emergencies Act (50 U.S.C. 1601 et seq.).

(5) SECRETARY.—The term “Secretary” means the Secretary of Education.

SEC. 3503. CAMPUS-BASED AID WAIVERS.

(a) WAIVER OF NON-FEDERAL SHARE REQUIREMENT.—Notwithstanding sections 413C(a)(2) and 443(b)(5) of the Higher Education Act of 1965 (20 U.S.C. 1070b–2(a)(2) and 1087–53(b)(5)), with respect to funds made available for award years 2019-2020 and 2020-2021, the Secretary shall waive the requirement that a participating institution of higher education provide a non-Federal share to match Federal funds provided to the institution for the programs authorized pursuant to subpart 3 of part A and part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq. and 1087–51 et seq.) for all awards made under such programs during such award years, except nothing in this subsection shall affect the non-Federal share requirement under section 443(c)(3) that applies to private for-profit organizations.

(b) AUTHORITY TO REALLOCATE.—Notwithstanding sections 413D, 442, and 488 of the Higher Education Act of 1965 (20 U.S.C. 1070b–3, 1087–52, and 1095), during a period of a qualifying emergency, an institution may
transfer up to 100 percent of the institution’s unexpended allotment under section 442 of such Act to the institution’s allotment under section 413D of such Act, but may not transfer any funds from the institution’s unexpended allotment under section 413D of such Act to the institution’s allotment under section 442 of such Act.

SEC. 3504. USE OF SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS FOR EMERGENCY AID.

(a) IN GENERAL.—Notwithstanding section 413B of the Higher Education Act of 1965 (20 U.S.C. 1070b–1), an institution of higher education may reserve any amount of an institution’s allocation under subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.) for a fiscal year to award, in such fiscal year, emergency financial aid grants to assist undergraduate or graduate students for unexpected expenses and unmet financial need as the result of a qualifying emergency.

(b) DETERMINATIONS.—In determining eligibility for and awarding emergency financial aid grants under this section, an institution of higher education may—

(1) waive the amount of need calculation under section 471 of the Higher Education Act of 1965 (20 U.S.C. 1087kk);
(2) allow for a student affected by a qualifying emergency to receive funds in an amount that is not more than the maximum Federal Pell Grant for the applicable award year; and

(3) utilize a contract with a scholarship-granting organization designated for the sole purpose of accepting applications from or disbursing funds to students enrolled in the institution of higher education, if such scholarship-granting organization disburses the full allocated amount provided to the institution of higher education to the recipients.

(c) SPECIAL RULE.—Any emergency financial aid grants to students under this section shall not be treated as other financial assistance for the purposes of section 471 of the Higher Education Act of 1965 (20 U.S.C. 1087kk).

SEC. 3505. FEDERAL WORK-STUDY DURING A QUALIFYING EMERGENCY.

(a) IN GENERAL.—In the event of a qualifying emergency, an institution of higher education participating in the program under part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087–51 et seq.) may make payments under such part to affected work-study students, for the period of time (not to exceed one academic year) in which affected students were unable to fulfill the
students’ work-study obligation for all or part of such academic year due to such qualifying emergency, as follows:

(1) Payments may be made under such part to affected work-study students in an amount equal to or less than the amount of wages such students would have been paid under such part had the students been able to complete the work obligation necessary to receive work study funds, as a one time grant or as multiple payments.

(2) Payments shall not be made to any student who was not eligible for work study or was not completing the work obligation necessary to receive work study funds under such part prior to the occurrence of the qualifying emergency.

(3) Any payments made to affected work-study students under this subsection shall meet the matching requirements of section 443 of the Higher Education Act of 1965 (20 U.S.C. 1087–53), unless such matching requirements are waived by the Secretary.

(b) Definition of Affected Work-study Student.—In this section, the term “affected work-study student” means a student enrolled at an eligible institution participating in the program under part C of title IV.
51 et seq.) who—

(1) received a work-study award under section
443 of the Higher Education Act of 1965 (20
U.S.C. 1087–53) for the academic year during which
a qualifying emergency occurred;

(2) earned Federal work-study wages from such
eligible institution for such academic year; and

(3) was prevented from fulfilling the student’s
work-study obligation for all or part of such aca-
demic year due to such qualifying emergency.

SEC. 3506. ADJUSTMENT OF SUBSIDIZED LOAN USAGE LIM-
ITs.

Notwithstanding section 455(q)(3) of the Higher
Education Act of 1965 (20 U.S.C. 1087e(q)(3)), the Sec-
retary shall exclude from a student’s period of enrollment
for purposes of loans made under part D of title IV of
the Higher Education Act of 1965 (20 U.S.C. 1087a et
seq.) any semester (or the equivalent) that the student
does not complete due to a qualifying emergency, if the
Secretary is able to administer such policy in a manner
that limits complexity and the burden on the student.
SEC. 3507. EXCLUSION FROM FEDERAL PELL GRANT DURATION LIMIT.

The Secretary shall exclude from a student’s Federal Pell Grant duration limit under section 401(c)(5) of the Higher Education Act of 1965 (2 U.S.C. 1070a(c)(5)) any semester (or the equivalent) that the student does not complete due to a qualifying emergency if the Secretary is able to administer such policy in a manner that limits complexity and the burden on the student.

SEC. 3508. INSTITUTIONAL REFUNDS AND FEDERAL STUDENT LOAN FLEXIBILITY.

(a) Institutional Waiver.—

(1) In general.—The Secretary shall waive the institutional requirement under section 484B of the Higher Education Act of 1965 (20 U.S.C. 1091b) with respect to the amount of grant or loan assistance (other than assistance received under part C of title IV of such Act) to be returned under such section if a recipient of assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) withdraws from the institution of higher education during the payment period or period of enrollment as a result of a qualifying emergency.

(2) Waivers.—The Secretary shall require each institution using a waiver relating to the withdrawal of recipients under this subsection to report
the number of such recipients, the amount of grant
or loan assistance (other than assistance received
under part C of title IV of such Act) associated with
each such recipient, and the total amount of grant
or loan assistance (other than assistance received
under part C of title IV of such Act) for which each
institution has not returned assistance under title IV
to the Secretary.

(b) Student Waiver.—The Secretary shall waive
the amounts that students are required to return under
section 484B of the Higher Education Act of 1965 (20
U.S.C. 1091b) with respect to Federal Pell Grants or
other grant assistance if the withdrawals on which the re-
turns are based, are withdrawals by students who with-
drew from the institution of higher education as a result
of a qualifying emergency.

(c) Canceling Loan Obligation.—Notwith-
standing any other provision of the Higher Education Act
of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall can-
cel the borrower’s obligation to repay the entire portion
of a loan made under part D of title IV of such Act (20
U.S.C. 1087a et seq.) associated with a payment period
for a recipient of such loan who withdraws from the insti-
tution of higher education during the payment period as
a result of a qualifying emergency.
(d) **APPROVED LEAVE OF ABSENCE.**—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), for purposes of receiving assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an institution of higher education may, as a result of a qualifying emergency, provide a student with an approved leave of absence that does not require the student to return at the same point in the academic program that the student began the leave of absence if the student returns within the same semester (or the equivalent).

**SEC. 3509. SATISFACTORY ACADEMIC PROGRESS.**

Notwithstanding section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091), in determining whether a student is maintaining satisfactory academic progress for purposes of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an institution of higher education may, as a result of a qualifying emergency, exclude from the quantitative component of the calculation any attempted credits that were not completed by such student without requiring an appeal by such student.

**SEC. 3510. CONTINUING EDUCATION AT AFFECTED FOREIGN INSTITUTIONS.**

(a) **IN GENERAL.**—Notwithstanding section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)),
with respect to a foreign institution, in the case of a public health emergency, major disaster or emergency, or national emergency declared by the applicable government authorities in the country in which the foreign institution is located, the Secretary may permit any part of an otherwise eligible program to be offered via distance education for the duration of such emergency or disaster and the following payment period for purposes of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(b) Eligibility.—An otherwise eligible program that is offered in whole or in part through distance education by a foreign institution between March 1, 2020, and the date of enactment of this Act shall be deemed eligible for the purposes of part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) for the duration of the qualifying emergency and the following payment period for purposes of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.). An institution of higher education that uses the authority provided in the previous sentence shall report such use to the Secretary—

(1) for the 2019–2020 award year, not later than June 30, 2020; and
(2) for an award year subsequent to the 2019–2020 award year, not later than 30 days after such use.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter for the duration of the qualifying emergency and the following payment period, the Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a report that identifies each foreign institution that carried out a distance education program authorized under this section.

(d) WRITTEN ARRANGEMENTS.—

(1) IN GENERAL.—Notwithstanding section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), for the duration of a qualifying emergency and the following payment period, the Secretary may allow a foreign institution to enter into a written arrangement with an institution of higher education located in the United States that participates in the Federal Direct Loan Program under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) for the purpose of allowing a student of the foreign institution who is a borrower of a loan made under such part to take courses from the insti-
stitution of higher education located in the United States.

(2) Form of Arrangements.—

(A) Public or Other Nonprofit Institutions.—A foreign institution that is a public or other nonprofit institution may enter into a written arrangement under subsection (a) only with an institution of higher education described in section 101 of such Act (20 U.S.C. 1001).

(B) Other Institutions.—A foreign institution that is a graduate medical school, nursing school, or a veterinary school and that is not a public or other nonprofit institution may enter into a written arrangement under subsection (a) with an institution of higher education described in section 101 or section 102 of such Act (20 U.S.C. 1001 and 1002).

(3) Report on Use.—An institution of higher education that uses the authority described in paragraph (2) shall report such use to the Secretary—

(A) for the 2019–2020 award year, not later than June 30, 2020; and
(B) for an award year subsequent to the 2019–2020 award year, not later than 30 days after such use.

(4) Report from the Secretary.—Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter for the duration of the qualifying emergency and the following payment period, the Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a report that identifies each foreign institution that entered into a written arrangement authorized under subsection (a).

SEC. 3511. NATIONAL EMERGENCY EDUCATIONAL WAIVERS.

(a) In General.—Notwithstanding any other provision of law, the Secretary may, upon the request of a State or Indian tribe, waive any statutory or regulatory provision described under paragraphs (1) and (2) of subsection (b), and upon the request of a local educational agency, waive any statutory or regulatory provision described under paragraph (2) of subsection (b), if the Secretary determines that such a waiver is necessary and appropriate due to the emergency involving Federal primary responsibility determined to exist by the President under the section 501(b) of the Robert T. Stafford Disaster Relief
and Emergency Assistance Act (42 U.S.C. 5191(b)) with respect to the Coronavirus Disease 2019 (COVID-19).

(b) APPLICABLE PROVISIONS OF LAW.—

(1) STREAMLINED WAIVERS.—The Secretary shall create an expedited application process to request a waiver and the Secretary may waive any statutory or regulatory requirements for a State educational agency (related to assessments, accountability, and reporting requirements related to assessments and accountability), if the Secretary determines that such a waiver is necessary and appropriate as described in subsection (a), under the following provisions of law:

(A) Paragraphs (2) and (3) of subsection (b), subsections (c) and (d), and requirements under subsection (h) that relate to paragraphs (2) and (3) of subsection (b), and subsections (c) and (d), of section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311).

(B) Section 421(b) of the General Education Provisions Act (20 U.S.C. 1225(b)).

(2) STATE AND LOCALLY-REQUESTED WAIVERS.—For a State educational agency, local educational agency, or Indian tribe that receives funds
under a program authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) that requests a waiver under subsection (c), the Secretary may waive statutory and regulatory requirements under any of the following provisions of such Act:

(A) Section 1114(a)(1).

(B) Section 1118(a) and section 8521.

(C) Section 1127.

(D) Section 4106(d).

(E) Subparagraphs (C), (D), and (E) of section 4106(e)(2).

(F) Section 4109(b).

(G) The professional development (as defined in section 8101(42) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(42)) requirements under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(3) APPLICABILITY TO CHARTER SCHOOLS.—Any waivers issued by the Secretary under this section shall be implemented, as applicable—

(A) for all public schools, including public charter schools within the boundaries of the recipient of the waiver;
(B) in accordance with State charter school law; and

(C) pursuant to section 1111(c)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(5)).

(4) LIMITATION.—Nothing in this section shall be construed to allow the Secretary to waive any statutory or regulatory requirements under applicable civil rights laws.

(5) ACCOUNTABILITY AND IMPROVEMENT.—Any school located in a State that receives a waiver under paragraph (1) and that is identified for comprehensive support and improvement or targeted support and improvement in the 2019-2020 school year under section 1111(c)(4)(D) or section 1111(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(4)(D) or (d)(2)) shall maintain that identification status in the 2020-2021 school year and continue to receive supports and interventions consistent with the school’s support and improvement plan in the 2020-2021 school year.

(e) STATE AND LOCAL REQUESTS FOR WAIVERS.—

(1) IN GENERAL.—A State educational agency, local educational agency, or Indian tribe that desires
a waiver from any statutory or regulatory provision described under subsection (b)(2), may submit a waiver request to the Secretary in accordance with this subsection.

(2) REQUESTS SUBMITTED.—A request for a waiver under this subsection shall—

(A) identify the Federal programs affected by the requested waiver;

(B) describe which Federal statutory or regulatory requirements are to be waived;

(C) describe how the emergency involving Federal primary responsibility determined to exist by the President under the section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)) with respect to the Coronavirus Disease 2019 (COVID-19) prevents or otherwise restricts the ability of the State, State educational agency, local educational agency, Indian tribe, or school to comply with such statutory or regulatory requirements; and

(D) provide an assurance that the State, local educational agency, or Indian tribe will work to mitigate any negative effects, if any,
that may occur as a result of the requested waiver.

(3) Secretary Approval.—

(A) In general.—Except as provided under subparagraph (B), the Secretary shall approve or disapprove a waiver request submitted under paragraph (1) not more than 30 days after the date on which such request is submitted.

(B) Exceptions.—The Secretary may disapprove a waiver request submitted under paragraph (1), only if the Secretary determines that—

(i) the waiver request does not meet the requirements of this section;

(ii) the waiver is not permitted pursuant to subsection (b)(2); or

(iii) the description required under paragraph (2)(C) provides insufficient information to demonstrate that the waiving of such requirements is necessary or appropriate consistent with subsection (a).

(4) Duration.—A waiver approved by the Secretary under this section may be for a period not to exceed the 2019–2020 academic year, except in the
case of implementation of any maintenance of effort
waivers granted during the 2019–2020 academic
year.

(d) REPORTING AND PUBLICATION.—

(1) PUBLIC NOTICE.—A State, Indian Tribe, or
local educational agency requesting a waiver under
subsection (b)(2) shall provide the public and all
local educational agencies in the State with notice
of, and the opportunity to comment on, the request
by posting information regarding the waiver request
and the process for commenting on the State
website.

(2) NOTIFYING CONGRESS.—Not later than 7
days after granting a waiver under this section, the
Secretary shall notify the Committee on Health,
Education, Labor, and Pensions of the Senate, the
Committee on Appropriations of the Senate, the
Committee on Education and Labor of the House of
Representatives, and the Committee on Appropri-
tions of the House of Representatives of such waiv-
er.

(3) PUBLICATION.—Not later than 30 days
after granting a waiver under this section, the Sec-
retary shall publish a notice of the Secretary’s deci-
sion (including which waiver was granted and the
reason for granting the waiver) in the Federal Register and on the website of the Department of Education.

(4) REPORT.—Not later than 30 days after the date of enactment of this Act, the Secretary shall prepare and submit a report to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, and the Committee on Education and Labor and the Committee on Appropriations of the House of Representatives, with recommendations on any additional waivers under the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) the Secretary believes are necessary to be enacted into law to provide limited flexibility to States and local educational agencies to meet the needs of students during the emergency involving Federal primary responsibility determined to exist by the President under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency
Assistance Act (42 U.S.C. 5191(b)) with respect to
the Coronavirus Disease 2019 (COVID-19).

(e) Terms.—In this section, the term “State edu-
cational agency” includes the Bureau of Indian Education,
and the term “local educational agency” includes Bureau
of Indian Education funded schools operated pursuant to
a grant under the Tribally Controlled Schools Act of 1988
(25 U.S.C. 2501 et seq.), or a contract under the Indian
Self-Determination and Education Assistance Act (25
U.S.C. 5301 et seq.).

SEC. 3512. HBCU CAPITAL FINANCING.

(a) Deferment Period.—

(1) In General.—Notwithstanding any provi-
sion of title III of the Higher Education Act of 1965
(20 U.S.C. 1051 et seq.), or any regulation promul-
gated under such title, the Secretary may grant a
deferment, for the duration of a qualifying emer-
gency, to an institution that has received a loan
under part D of title III of such Act (20 U.S.C.
1066 et seq.).

(2) Terms.—During the deferment period
granted under this subsection—

(A) the institution shall not be required to
pay any periodic installment of principal or in-
interest required under the loan agreement for
such loan; and

(B) the Secretary shall make principal and
interest payments otherwise due under the loan
agreement.

(3) CLOSING.—At the closing of a loan deferred
under this subsection, terms shall be set under
which the institution shall be required to repay the
Secretary for the payments of principal and interest
made by the Secretary during the deferment, on a
schedule that begins upon repayment to the lender
in full on the loan agreement, except in no case shall
repayment be required to begin before the date that
is 1 full fiscal year after the date that is the end of
the qualifying emergency.

(b) TERMINATION DATE.—

(1) IN GENERAL.—The authority provided
under this section to grant a loan deferment under
subsection (a) shall terminate on the date on which
the qualifying emergency is no longer in effect.

(2) DURATION.—Any provision of a loan agree-
ment or insurance agreement modified by the au-
thority under this section shall remain so modified
for the duration of the period covered by the loan
agreement or insurance agreement.
(c) REPORT.—Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter during the period beginning on the first day of the qualifying emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency, the Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a report that identifies each institution that received assistance under this section.

SEC. 3513. TEMPORARY RELIEF FOR FEDERAL STUDENT LOAN BORROWERS.

(a) IN GENERAL.—The Secretary shall suspend all payments due for loans made under part D and part B (that are held by the Department of Education) of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.; 1071 et seq.) for 6 months.

(b) NO ACCRUAL OF INTEREST.—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), interest shall not accrue on a loan described under subsection (a) for which payment was suspended for the period of the suspension.

(c) CONSIDERATION OF PAYMENTS.—The Secretary shall deem each month for which a loan payment was suspended under this section as if the borrower of the loan had made a payment for the purpose of any loan forgive-
ness program authorized under part D or B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.; 1071 et seq.) for which the borrower would have otherwise qualified.

SEC. 3514. PROVISIONS RELATED TO THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

(a) Accrual of Service Hours.—

(1) Accrual through other service hours.—

(A) In general.—Notwithstanding any other provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) or the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.), the Corporation for National and Community Service shall allow an individual described in subparagraph (B) to accrue other service hours that will count toward the number of hours needed for the individual’s education award.

(B) Affected individuals.—Subparagraph (A) shall apply to any individual serving in a position eligible for an educational award under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.)—
(i) who is performing limited service
due to COVID-19; or

(ii) whose position has been suspended
or placed on hold due to COVID-19.

(2) PROVISIONS IN CASE OF EARLY EXIT.—In
any case where an individual serving in a position el-
igible for an educational award under subtitle D of
title I of the National and Community Service Act
of 1990 (42 U.S.C. 12601 et seq.) was required to
exit the position early at the direction of the Cor-
poration for National and Community Service, the
Chief Executive Officer of the Corporation for Na-
tional and Community Service may—

(A) deem such individual as having met
the requirements of the position; and

(B) award the individual the full value of
the educational award under such subtitle for
which the individual would otherwise have been
eligible.

(b) AVAILABILITY OF FUNDS.—Notwithstanding any
other provision of law, all funds made available to the Cor-
poration for National and Community Service under any
Act, including the amounts appropriated to the Corpora-
tion under the headings “OPERATING EXPENSES”, “SALA-
RIES AND EXPENSES”, and “OFFICE OF THE INSPECTOR
GENERAL” under the heading “CORPORATION FOR NATIONAL AND COMMUNITY SERVICE” under title IV of Division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), shall remain available for the fiscal year ending September 30, 2021.

(c) NO REQUIRED RETURN OF GRANT FUNDS.—Notwithstanding section 129(l)(3)(A)(i) of the National and Community Service Act of 1990 (42 U.S.C. 12581(l)(3)(A)(i)), the Chief Executive Officer of the Corporation for National and Community Service may permit fixed-amount grant recipients under such section 129(l) to maintain a pro rata amount of grant funds, at the discretion of the Corporation for National and Community Service, for participants who exited, were suspended, or are serving in a limited capacity due to COVID-19, to enable the grant recipients to maintain operations and to accept participants.

(d) EXTENSION OF TERMS AND AGE LIMITS.—Notwithstanding any other provision of law, the Corporation for National and Community Service may extend the term of service (for a period not to exceed the 1-year period immediately following the end of the national emergency) or waive any upper age limit (except in no case shall the maximum age exceed 26 years of age) for national service programs carried out by the National Civilian Community
Corps under subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12611 et seq.), and the participants in such programs, for the purposes of—

(1) addressing disruptions due to COVID-19; and

(2) minimizing the difficulty in returning to full operation due to COVID-19 on such programs and participants.

SEC. 3515. WORKFORCE RESPONSE ACTIVITIES.

(a) ADMINISTRATIVE COSTS.—Notwithstanding section 128(b)(4) of the Workforce Innovation Opportunity Act (29 U.S.C. 3163(b)(4)), of the total amount allocated to a local area (including the total amount allotted to a single State local area) under subtitle B of title I of such Act (29 U.S.C. 3151 et seq.) for program year 2019, not more than 20 percent of the total amount may be used for the administrative costs of carrying out local workforce investment activities under chapter 2 or chapter 3 of subtitle B of title I of such Act, if the portion of the total amount that exceeds 10 percent of the total amount is used to respond to a qualifying emergency.

(b) RAPID RESPONSE ACTIVITIES.—

(1) STATEWIDE RAPID RESPONSE.—Of the funds reserved by a Governor for program year 2019
for statewide activities under section 128(a) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3163(a)) that remain unobligated, such funds may be used for statewide rapid response activities as described in section 134(a)(2)(A) of such Act (29 U.S.C. 3174(a)(2)(A)) for responding to a qualifying emergency.

(2) LOCAL BOARDS.—Of the funds reserved by a Governor for program 2019 under section 133(a)(2) of such Act (29 U.S.C. 3173(a)(2)) that remain unobligated, such funds may be released within 30 days after the date of enactment of this Act to the local boards most impacted by the coronavirus at the determination of the Governor for rapid response activities related to responding to a qualifying emergency.

(c) DEFINITIONS.—Except as otherwise provided, the terms in this section have the meanings given the terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

SEC. 3516. TECHNICAL AMENDMENTS.

(a) IN GENERAL.—

(1) Section 6103(a)(3) of the Internal Revenue Code of 1986, as amended by the FUTURE Act (Public Law 116-91), is further amended by striking
“(13), (16)” and inserting “(13)(A), (13)(B),
(13)(C), (13)(D)(i), (16)’’.

(2) Section 6103(p)(3)(A) of such Code, as so
amended, is further amended by striking “(12),”
and inserting “(12), (13)(A), (13)(B), (13)(C),
(13)(D)(i)”.

(3) Section 6103(p)(4) of such Code, as so
amended, is further amended by striking “(13) or
(16)” each place it appears and inserting “(13), or
(16)”.

(4) Section 6103(p)(4) of such Code, as so
amended and as amended by paragraph (3), is fur-
ther amended by striking “(13)” each place it ap-
pears and inserting “(13)(A), (13)(B), (13)(C),
(13)(D)(i)”.

(5) Section 6103(l)(13)(C)(ii) of such Code, as
added by the FUTURE Act (Public Law 116-91), is
amended by striking “section 236A(e)(4)” and in-
serting “section 263A(e)(4)”.

(b) EFFECTIVE DATE.—The amendments made by
this section shall apply as if included in the enactment
of the FUTURE Act (Public Law 116-91).
SEC. 3517. WAIVER AUTHORITY AND REPORTING REQUIREMENT FOR INSTITUTIONAL AID.

(a) Waiver Authority.—Notwithstanding any other provision of the Higher Education Act of 1965 (U.S.C. 1001 et seq.), unless enacted with specific reference to this section, for any institution of higher education that was receiving assistance under title III, title V, or subpart 4 of part A of title VII of such Act (20 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) at the time of a qualifying emergency, the Secretary may, for the period beginning on the first day of the qualifying emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency—

(1) waive—

(A) the eligibility data requirements set forth in section 391(d) and 521(e) of the Higher Education Act of 1965 (20 U.S.C. 1068(d); 1103(e));

(B) the wait-out period set forth in section 313(d) of the Higher Education Act of 1965 (20 U.S.C. 1059(d));

(C) the allotment requirements under paragraphs (2) and (3) of subsection 318(e) of the Higher Education Act of 1965 (20 U.S.C. 1059(e(e)), and the reference to “the academic
year preceding the beginning of that fiscal
year” under such section 318(e)(1);

(D) the allotment requirements under sub-
sections (b), (c), and (g) of section 324 of the
Higher Education Act of 1965 (20 U.S.C.
1063), the reference to “the end of the school
year preceding the beginning of that fiscal
year” under such section 324(a), and the ref-
ference to “the academic year preceding such
fiscal year” under such section 324(h);

(E) subparagraphs (A), (C), (D), and (E)
of section 326(f)(3) of the Higher Education
Act of 1965 (20 U.S.C. 1063b(f)(3)), and refer-
ces to “previous year” under such section
326(f)(3)(B);

(F) subparagraphs (A), (C), (D), and (E)
of section 723(f)(3) and subparagraphs (A),
(C), (D), and (E) of section 724(f)(3) of the
Higher Education Act of 1965 (20 U.S.C.
1136a(f)(3); 1136b(f)(3)), and references to
“previous academic year” under subparagraph
(B) of such sections 723(f)(3) and 724(f)(3);

and

(G) the allotment restriction set forth in
section 318(d)(4) and section 323(e)(2) of the
(2) waive or modify any statutory or regulatory provision to ensure that institutions that were receiving assistance under title III, title V, or subpart 4 of part A of title VII of such Act (20 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) at the time of a qualifying emergency are not adversely affected by any formula calculation for fiscal year 2020 and for the period beginning on the first day of the qualifying emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency, as necessary.

(b) Use of Unexpended Funds.—Any funds paid to an institution under title III, title V, or subpart 4 of part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) and not expended or used for the purposes for which the funds were paid to the institution during the 5-year period following the date on which the funds were first paid to the institution, may be carried over and expended during the succeeding 5-year period.

(e) Report.—Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter for the period beginning on the first day of the qualifying
emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency, the Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a report that identifies each institution that received a waiver or modification under this section.

SEC. 3518. AUTHORIZED USES AND OTHER MODIFICATIONS FOR GRANTS.

(a) In general.—The Secretary is authorized to modify the required and allowable uses of funds for grants awarded under part A or B of title III, chapter I or II of subpart 2 of part A of title IV, title V, or subpart 4 of part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1057 et seq.; 1060 et seq.; 1070a–11 et seq.; 1070a–21 et seq.; 1101 et seq.; 1136a et seq.) to an institution of higher education or other grant recipient (not including individual recipients of Federal student financial assistance), at the request of an institution of higher education or other recipient of a grant (not including individual recipients of Federal student financial assistance) as a result of a qualifying emergency, for the period beginning on the first day of the qualifying emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency.
(b) Matching Requirement Modifications.—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary is authorized to modify any Federal share or other financial matching requirement for a grant awarded on a competitive basis or a grant awarded under part A or B of title III or subpart 4 of part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1057 et seq.; 1060 et seq.; 1136a et seq.) at the request of an institution of higher education or other grant recipient as a result of a qualifying emergency, for the period beginning on the first day of the qualifying emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency.

(c) Reports.—Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter for the duration of the period beginning on the first day of the qualifying emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency, the Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a report that identifies each institution of higher education or other grant recipient that received a modification under this section.
SEC. 3519. SERVICE OBLIGATIONS FOR TEACHERS.

(a) Teach Grants.—For the purpose of section 420N of the Higher Education Act of 1965 (20 U.S.C. 1070g–2), during a qualifying emergency, the Secretary—

(1) may modify the categories of extenuating circumstances under which a recipient of a grant under subpart 9 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070g et seq.) who is unable to fulfill all or part of the recipient’s service obligation may be excused from fulfilling that portion of the service obligation; and

(2) shall consider teaching service that, as a result of a qualifying emergency, is part-time or temporarily interrupted, to be full-time service and to fulfill the service obligations under such section 420N.

(b) Teacher Loan Forgiveness.—Notwithstanding section 428J or 460 of the Higher Education Act of 1965 (20 U.S.C. 1078–10; 1087j), the Secretary shall waive the requirements under such sections that years of teaching service shall be consecutive if—

(1) the teaching service of a borrower is temporarily interrupted due to a qualifying emergency; and

(2) after the temporary interruption due to a qualifying emergency, the borrower resumes teaching
service and completes a total of 5 years of qualifying teaching service under such sections, including qualifying teaching service performed before, during, and after such qualifying emergency.

Subtitle C—Labor Provisions

SEC. 3601. LIMITATION ON PAID LEAVE.

Section 110(b)(2)(B) of the Family and Medical Leave Act of 1993 (as added by the Emergency Family and Medical Leave Expansion Act) is amended by striking clause (ii) and inserting the following:

“(ii) LIMITATION.—An employer shall not be required to pay more than $200 per day and $10,000 in the aggregate for each employee for paid leave under this section.”.

SEC. 3602. EMERGENCY PAID SICK LEAVE ACT LIMITATION.

Section 5102 of the Emergency Paid Sick Leave Act (division E of the Families First Coronavirus Response Act) is amended by adding at the end the following:

“(f) LIMITATIONS.—

“(1) IN GENERAL.—An employer shall not be required to pay more than either—

“(A) $511 per day and $5,110 in the aggregate for each employee, when the employee
is taking leave for a reason described in paragraph (1), (2), or (3) of section 5102(a); or

“(B) $200 per day and $2,000 in the aggregate for each employee, when the employee is taking leave for a reason described in paragraph (4), (5), or (6) of section 5102(a).

“(2) Expiration of Requirement.— An employer’s requirement to provide paid leave with respect to a specific employee shall expire at the earlier of—

“(A) the time when the employer has paid that employee for paid leave under this section for an equivalent of 80 hours of work; or

“(B) upon the employee’s return to work after taking paid leave under this section.”.

SEC. 3603. REGULATORY AUTHORITIES UNDER THE EMERGENCY PAID SICK LEAVE ACT.

Section 5111(2) of the Emergency Paid Sick Leave Act (division E of the Families First Coronavirus Response Act) is amended by striking “section 5102(a)(5)” and inserting “paragraphs (4) and (5) of section 5102(a).”.

SEC. 3604. UNEMPLOYMENT INSURANCE.

Section 903(h)(2)(B) of the Social Security Act (42 U.S.C. 1103(h)(2)(B)), as added by section 4102 of the
Emergency Unemployment Insurance Stabilization and Access Act of 2020, is amended to read as follows:

“(B) The State ensures that applications for unemployment compensation, and assistance with the application process, are accessible in person, by phone, or online.”

SEC. 3605. OMB WAIVER OF PAID FAMILY AND PAID SICK LEAVE.

(a) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 110(a) of title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.) (as added by division C of the Families First Coronavirus Response Act) is amended by adding at the end the following new paragraph:

“(4) The Director of the Office of Management and Budget shall have the authority to exclude for good cause from the requirements under subsection (b) certain employers of the United States Government with respect to certain categories of Executive Branch employees.”.

(b) EMERGENCY PAID SICK LEAVE ACT.—The Emergency Paid Sick Leave Act (division E of the Families First Coronavirus Response Act) is amended by adding at the end the following new section:
“SEC. 5112. AUTHORITY TO EXCLUDE CERTAIN EMPLOYEES.

“The Director of the Office of Management and Budget shall have the authority to exclude for good cause from the definition of employee under section 5110(1) certain employees described in subparagraphs (E) and (F) of such section, including by exempting certain United States Government employers covered by section 5110(2)(A)(i)(V) from the requirements of this title with respect to certain categories of Executive Branch employees.”.

SEC. 3606. PAID LEAVE FOR REHIRED EMPLOYEES.

Section 110(a)(1)(A) of the Family and Medical Leave Act of 1993, as added by section 3102 of the Emergency Family and Medical Leave Expansion Act, is amended to read as follows:

“(A) ELIGIBLE EMPLOYEE.—

“(i) IN GENERAL.—In lieu of the definition in sections 101(2)(A) and 101(2)(B)(ii), the term ‘eligible employee’ means an employee who has been employed for at least 30 calendar days by the employer with respect to whom leave is requested under section 102(a)(1)(F).

“(ii) RULE REGARDING REHIRED EMPLOYEES.—For purposes of clause (i), the term ‘employed for at least 30 calendar
days’, used with respect to an employee and an employer described in clause (i), in-
cludes an employee who was laid off by that employer not earlier than March 1, 2020, had worked for the employer for not less than 30 of the last 60 calendar days prior to the employee’s layoff, and was re-
hired by the employer.”.

SEC. 3607. ADVANCE REFUNDING OF CREDITS.

(a) PAYROLL CREDIT FOR REQUIRED PAID SICK LEAVE.—Section 7001 of division G of the Families First Coronavirus Response Act is amended—

(1) in subsection (b)(4)(A)—

(A) by striking “(A) In general.—If the amount” and inserting “(A)(i) Credit is refund-
able. —If the amount”; and

(B) by adding at the end the following:

“(ii) ADVANCING CREDIT.—In antici-
pation of the credit, including the refund-
able portion under clause (i), the credit may be advanced, according to forms and instructions provided by the Secretary, up to an amount calculated under subsection (a), subject to the limits under subsection
(b), both calculated through the end of the most recent payroll period in the quarter.”;

(2) in subsection (f)—

(A) in paragraph (4), by striking “, and” and inserting a comma;

(B) in paragraph (5), by striking the period at the end and inserting “, and”; and

(C) by adding at the end the following:

“(6) regulations or other guidance to permit the advancement of the credit determined under subsection (a).”; and

(3) by inserting after subsection (h) the following new subsection:

“(i) TREATMENT OF DEPOSITS.—The Secretary of the Treasury (or the Secretary’s delegate) shall waive any penalty under section 6656 of the Internal Revenue Code of 1986 for any failure to make a deposit of the tax imposed by section 3111(a) or 3221(a) of such Code if the Secretary determines that such failure was due to the anticipation of the credit allowed under this section.”.

(b) PAYROLL CREDIT FOR REQUIRED PAID FAMILY LEAVE.—Section 7003 of division G of the Families First Coronavirus Response Act is amended—

(1) in subsection (b)(3)—
(A) by striking “If the amount” and inserting “(A) Credit is refundable.—If the amount”; and

(B) by adding at the end the following:

“(B) ADVANCING CREDIT.—In anticipation of the credit, including the refundable portion under subparagraph (A), the credit may be advanced, according to forms and instructions provided by the Secretary, up to an amount calculated under subsection (a), subject to the limits under subsection (b), both calculated through the end of the most recent payroll period in the quarter.”;

(2) in subsection (f)—

(A) in paragraph (4), by striking “, and” and inserting a comma;

(B) in paragraph (5), by striking the period at the end and inserting “, and”; and

(C) by adding at the end the following:

“(6) regulations or other guidance to permit the advancement of the credit determined under subsection (a).”; and

(e) by inserting after subsection (h) the following new subsection:
“(i) TREATMENT OF DEPOSITS.—The Secretary of the Treasury (or the Secretary’s delegate) shall waive any penalty under section 6656 of the Internal Revenue Code of 1986 for any failure to make a deposit of the tax imposed by section 3111(a) or 3221(a) of such Code if the Secretary determines that such failure was due to the anticipation of the credit allowed under this section.”.

SEC. 3608. EXPANSION OF DOL AUTHORITY TO POSTPONE CERTAIN DEADLINES.

Section 518 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1148) is amended by striking “or a terroristic or military action (as defined in section 692(c)(2) of such Code), the Secretary may” and inserting “a terroristic or military action (as defined in section 692(c)(2) of such Code), or a public health emergency declared by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act, the Secretary may”.

Subtitle D—Finance Committee

SEC. 3701. EXEMPTION FOR TELEHEALTH SERVICES.

(a) In General.—Paragraph (2) of section 223(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(E) SAFE HARBOR FOR ABSENCE OF DEDUCTIBLE FOR TELEHEALTH.—In the case of
plan years beginning on or before December 31, 2021, a plan shall not fail to be treated as a high deductible health plan by reason of failing to have a deductible for telehealth and other remote care services.”.

(b) CERTAIN COVERAGE DISREGARDED.—Clause (ii) of section 223(c)(1)(B) of the Internal Revenue Code of 1986 is amended by striking “or long-term care” and inserting “long-term care, or (in the case of plan years beginning on or before December 31, 2021) telehealth and other remote care”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 3702. INCLUSION OF CERTAIN OVER-THE-COUNTER MEDICAL PRODUCTS AS QUALIFIED MEDICAL EXPENSES.

(a) HSAS.—Section 223(d)(2) of the Internal Revenue Code of 1986 is amended—

(1) by striking the last sentence of subparagraph (A) and inserting the following: “For purposes of this subparagraph, amounts paid for menstrual care products shall be treated as paid for medical care.”; and
(2) by adding at the end the following new sub-
paragraph:

“(D) MENSTRUAL CARE PRODUCT.—For
purposes of this paragraph, the term ‘menstrual
care product’ means a tampon, pad, liner, cup,
sponge, or similar product used by individuals
with respect to menstruation or other genital-
tract secretions.”.

(b) ARCHER MSAs.—Section 220(d)(2)(A) of such
Code is amended by striking the last sentence and insert-
ing the following: “For purposes of this subparagraph,
amounts paid for menstrual care products (as defined in
section 223(d)(2)(D)) shall be treated as paid for medical
care.”.

(c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS
AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Sec-
tion 106 of such Code is amended by striking subsection
(f) and inserting the following new subsection:

“(f) REIMBURSEMENTS FOR MENSTRUAL CARE
PRODUCTS.—For purposes of this section and section
105, expenses incurred for menstrual care products (as
defined in section 223(d)(2)(D)) shall be treated as in-
curred for medical care.”.

(d) EFFECTIVE DATES.—
(1) DISTRIBUTIONS FROM SAVINGS ACCOUNTS.—The amendment made by subsections (a) and (b) shall apply to amounts paid after December 31, 2019.

(2) REIMBURSEMENTS.—The amendment made by subsection (c) shall apply to expenses incurred after December 31, 2019.

SEC. 3703. INCREASING MEDICARE TELEHEALTH FLEXIBILITIES DURING EMERGENCY PERIOD.

Section 1135 of the Social Security Act (42 U.S.C. 1320b–5) is amended—

(1) in subsection (b)(8), by striking “to an individual by a qualified provider (as defined in subsection (g)(3))” and all that follows through the period and inserting “, the requirements of section 1834(m).”;

and

(2) in subsection (g), by striking paragraph (3).

SEC. 3704. ENHANCING MEDICARE TELEHEALTH SERVICES FOR FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS DURING EMERGENCY PERIOD.

Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—
(1) in the first sentence of paragraph (1), by striking “The Secretary” and inserting “Subject to paragraph (8), the Secretary”;

(2) in paragraph (2)(A), by striking “The Secretary” and inserting “Subject to paragraph (8), the Secretary”;

(3) in paragraph (4)—

(A) in subparagraph (A), by striking “The term” and inserting “Subject to paragraph (8), the term”; and

(B) in subparagraph (F)(i), by striking “The term” and inserting “Subject to paragraph (8), the term”; and

(4) by adding at the end the following new paragraph:

“(8) ENHANCING TELEHEALTH SERVICES FOR FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS DURING EMERGENCY PERIOD.—

“(A) IN GENERAL.—During the emergency period described in section 1135(g)(1)(B)—

“(i) the Secretary shall pay for telehealth services that are furnished via a telecommunications system by a Federally qualified health center or a rural health
clinic to an eligible telehealth individual enrolled under this part notwithstanding that the Federally qualified health center or rural clinic providing the telehealth service is not at the same location as the beneficiary;

“(ii) the amount of payment to a Federally qualified health center or rural health clinic that serves as a distant site for such a telehealth service shall be determined under subparagraph (B); and

“(iii) for purposes of this subsection—

“(I) the term ‘distant site’ includes a Federally qualified health center or rural health clinic that furnishes a telehealth service to an eligible telehealth individual; and

“(II) the term ‘telehealth services’ includes a rural health clinic service or Federally qualified health center service that is furnished using telehealth to the extent that payment codes corresponding to services identified by the Secretary under clause (i) or (ii) of paragraph (4)(F) are listed
on the corresponding claim for such rural health clinic service or Federally qualified health center service.

“(B) SPECIAL PAYMENT RULE.—

“(i) IN GENERAL.—The Secretary shall develop and implement payment methods that apply under this subsection to a Federally qualified health center or rural health clinic that serves as a distant site that furnishes a telehealth service to an eligible telehealth individual during such emergency period. Such payment methods shall be based on payment rates that are similar to the national average payment rates for comparable telehealth services under the physician fee schedule under section 1848. Notwithstanding any other provision of law, the Secretary may implement such payment methods through program instruction or otherwise.

“(ii) EXCLUSION FROM FQHC PPS CALCULATION AND RHC AIR CALCULATION.—Costs associated with telehealth services shall not be used to determine the amount of payment for Federally qualified
health center services under the prospective payment system under section 1834(o) or for rural health clinic services under the methodology for all-inclusive rates (established by the Secretary) under section 1833(a)(3).”.

**SEC. 3705. TEMPORARY WAIVER OF REQUIREMENT FOR FACE-TO-FACE VISITS BETWEEN HOME DIALYSIS PATIENTS AND PHYSICIANS.**

Section 1881(b)(3)(B) of the Social Security Act (42 U.S.C. 1395rr(b)(3)(B)) is amended—

(1) in clause (i), by striking “clause (ii)” and inserting “clauses (ii) and (iii)”;

(2) in clause (ii), in the matter preceding subclause (I), by striking “Clause (i)” and inserting “Except as provided in clause (iii), clause (i)”;

(3) by adding at the end the following new clause:

“(iii) The Secretary may waive the provisions of clause (ii) during the emergency period described in section 1135(g)(1)(B).”.
SEC. 3706. USE OF TELEHEALTH TO CONDUCT FACE-TO-FACE ENCOUNTER PRIOR TO RECERTIFICATION OF ELIGIBILITY FOR HOSPICE CARE DURING EMERGENCY PERIOD.

Section 1814(a)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395f(a)(7)(D)(i)) is amended—

(1) by striking “a hospice” and inserting “(I) subject to subclause (II), a hospice”; and

(2) by inserting after subclause (I), as added by paragraph (1), the following new subclause:

“(II) during the emergency period described in section 1135(g)(1)(B), a hospice physician or nurse practitioner may conduct a face-to-face encounter required under this clause via telehealth, as determined appropriate by the Secretary; and”.

SEC. 3707. ENCOURAGING USE OF TELECOMMUNICATIONS SYSTEMS FOR HOME HEALTH SERVICES FURNISHED DURING EMERGENCY PERIOD.

With respect to home health services (as defined in section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) that are furnished during the emergency period described in section 1135(g)(1)(B) of such Act (42 U.S.C. 1320b–5(g)(1)(B)), the Secretary of Health and Human Services shall consider ways to encourage the use of telecommunications systems, including for remote patient
monitoring as described in section 409.46(e) of title 42, Code of Federal Regulations (or any successor regulations) and other communications or monitoring services, consistent with the plan of care for the individual, including by clarifying guidance and conducting outreach, as appropriate.

SEC. 3708. IMPROVING CARE PLANNING FOR MEDICARE HOME HEALTH SERVICES.

(a) PART A PROVISIONS.—Section 1814(a) of the Social Security Act (42 U.S.C. 1395f(a)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting ‘‘, a nurse practitioner or clinical nurse specialist (as such terms are defined in section 1861(aa)(5)) who is working in accordance with State law, or a physician assistant (as defined in section 1861(aa)(5)) under the supervision of a physician, who is’’ after ‘‘in the case of services described in subparagraph (C), a physician’’; and

(B) in subparagraph (C)—

(i) by inserting ‘‘, a nurse practitioner, a clinical nurse specialist, or a physician assistant (as the case may be)’’ after
“physician” the first 2 times it appears;
and

(ii) by striking “, and, in the case of
a certification made by a physician” and
all that follows through “face-to-face en-
counter” and inserting “, and, in the case
of a certification made by a physician after
January 1, 2010, or by a nurse practi-
tioner, clinical nurse specialist, or physi-
cian assistant (as the case may be) after a
date specified by the Secretary (but in no
case later than the date that is 6 months
after the date of the enactment of the
CARES Act), prior to making such certifi-
cation a physician, nurse practitioner, clin-
ical nurse specialist, or physician assistant
must document that a physician, nurse
practitioner, clinical nurse specialist, cer-
tified nurse-midwife (as defined in section
1861(gg)) as authorized by State law, or
physician assistant has had a face-to-face
encounter”;

(2) in the third sentence—

(A) by striking “physician certification”
and inserting “certification”;
(B) by inserting “(or in the case of regula-
tions to implement the amendments made by
section 3708 of the CARES Act, the Secretary
shall prescribe regulations, which shall become
effective no later than 6 months after the date
of the enactment of such Act)” after “1981”;
and

(C) by striking “a physician who” and in-
serting “a physician, nurse practitioner, clinical
nurse specialist, or physician assistant who”;

(3) in the fourth sentence, by inserting “, nurse
practitioner, clinical nurse specialist, or physician as-
sistant” after “physician”; and

(4) in the fifth sentence—

(A) by inserting “or no later than 6
months after the date of the enactment of the
CARES Act for purposes of documentation for
certification and recertification made under
paragraph (2) by a nurse practitioner, clinical
nurse specialist, or physician assistant,” after
“January 1, 2019”; and

(B) by inserting “, nurse practitioner, clin-
ical nurse specialist, or physician assistant”
after “of the physician”.


(b) PART B PROVISIONS.—Section 1835(a) of the Social Security Act (42 U.S.C. 1395n(a)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting “, a nurse practitioner or clinical nurse specialist (as those terms are defined in section 1861(aa)(5)) who is working in accordance with State law, or a physician assistant (as defined in section 1861(aa)(5)) under the supervision of a physician, who is” after “in the case of services described in subparagraph (A), a physician”; and

(B) in subparagraph (A)—

(i) in each of clauses (ii) and (iii) of subparagraph (A) by inserting “, a nurse practitioner, a clinical nurse specialist, or a physician assistant (as the case may be)” after “physician”; and

(ii) in clause (iv), by striking “after January 1, 2010” and all that follows through “face-to-face encounter” and inserting “made by a physician after January 1, 2010, or by a nurse practitioner, clinical nurse specialist, or physician assistant (as the case may be) after a date
specified by the Secretary (but in no case later than the date that is 6 months after the date of the enactment of the CARES Act), prior to making such certification a physician, nurse practitioner, clinical nurse specialist, or physician assistant must document that a physician, nurse practitioner, clinical nurse specialist, certified nurse-midwife (as defined in section 1861(gg)) as authorized by State law, or physician assistant has had a face-to-face encounter”;

(2) in the third sentence, by inserting “, nurse practitioner, clinical nurse specialist, or physician assistant (as the case may be)” after physician;

(3) in the fourth sentence—

(A) by striking “physician certification” and inserting “certification”;

(B) by inserting “(or in the case of regulations to implement the amendments made by section 3708 of the CARES Act the Secretary shall prescribe regulations which shall become effective no later than 6 months after the enactment of such Act)” after “1981”; and
(C) by striking “a physician who” and inserting “a physician, nurse practitioner, clinical nurse specialist, or physician assistant who”;

(4) in the fifth sentence, by inserting “, nurse practitioner, clinical nurse specialist, or physician assistant” after “physician”; and

(5) in the sixth sentence—

(A) by inserting “or no later than 6 months after the date of the enactment of the CARES Act for purposes of documentation for certification and recertification made under paragraph (2) by a nurse practitioner, clinical nurse specialist, or physician assistant,” after “January 1, 2019”; and

(B) by inserting “, nurse practitioner, clinical nurse specialist, or physician assistant” after “of the physician”.

(c) DEFINITION PROVISIONS.—

(1) HOME HEALTH SERVICES.—Section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) is amended—

(A) in the matter preceding paragraph (1)—

(i) by inserting “, a nurse practitioner or a clinical nurse specialist (as those
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terms are defined in subsection (aa)(5)), or

a physician assistant (as defined in sub-
section (aa)(5))” after “physician” the
first place it appears; and

(ii) by inserting “, a nurse practi-
tioner, a clinical nurse specialist, or a phy-
sician assistant” after “physician” the sec-
ond place it appears; and

(B) in paragraph (3), by inserting “, a
nurse practitioner, a clinical nurse specialist, or
a physician assistant” after “physician”.

(2) HOME HEALTH AGENCY.—Section

1861(o)(2) of the Social Security Act (42 U.S.C.
1395x(o)(2)) is amended—

(A) by inserting “, nurse practitioners or
clinical nurse specialists (as those terms are de-

cined in subsection (aa)(5)), certified nurse-mid-
wives (as defined in subsection (gg)), or physi-
cian assistants (as defined in subsection

(aa)(5))” after “physicians”; and

(B) by inserting “, nurse practitioner, clin-
ical nurse specialist, certified nurse-midwife,

physician assistant,” after “physician”.

(3) COVERED OSTEOPOROSIS DRUG.—Section

1861(kk)(1) of the Social Security Act (42 U.S.C.
1395x(kk)(1)) is amended by inserting “, nurse practitioner or clinical nurse specialist (as those terms are defined in subsection (aa)(5)), certified nurse-midwife (as defined in subsection (gg)), or physician assistant (as defined in subsection (aa)(5))” after “attending physician”.

(d) **HOME HEALTH PROSPECTIVE PAYMENT SYSTEM PROVISIONS.**—Section 1895 of the Social Security Act (42 U.S.C. 1395fff) is amended—

(1) in subsection (c)(1)—

(A) by striking “(provided under section 1842(r))”;

(B) by inserting “the nurse practitioner or clinical nurse specialist (as those terms are defined in section 1861(aa)(5)), or the physician assistant (as defined in section 1861(aa)(5))” after “physician”; and

(2) in subsection (e)—

(A) in paragraph (1)(A), by inserting “a nurse practitioner or clinical nurse specialist, or a physician assistant” after “physician”; and

(B) in paragraph (2)—

(i) in the heading, by striking “PHYSICIAN CERTIFICATION” and inserting
“Rule of construction regarding requirement for certification’; and

(ii) by striking ‘‘physician’’.

(e) Application to Medicaid.—The amendments made under this section shall apply under title XIX of the Social Security Act in the same manner and to the same extent as such requirements apply under title XVIII of such Act or regulations promulgated thereunder.

(f) Effective Date.—The Secretary of Health and Human Services shall prescribe regulations to apply the amendments made by this section to items and services furnished, which shall become effective no later than 6 months after the date of the enactment of this legislation. The Secretary shall promulgate an interim final rule if necessary, to comply with the required effective date.

SEC. 3709. ADJUSTMENT OF SEQUESTRATION.

(a) Temporary Suspension of Medicare Sequestration.—During the period beginning on May 1, 2020 and ending on December 31, 2020, the Medicare programs under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) shall be exempt from reduction under any sequestration order issued before, on, or after the date of enactment of this Act.

(b) Extension of Direct Spending Reductions Through Fiscal Year 2030.—Section 251A(6) of the
Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(6)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking “through 2029” and inserting “through 2030”; and

(2) in subparagraph (C), in the matter preceding clause (i), by striking “fiscal year 2029” and inserting “fiscal year 2030”.

SEC. 3710. MEDICARE HOSPITAL INPATIENT PROSPECTIVE PAYMENT SYSTEM ADD-ON PAYMENT FOR COVID–19 PATIENTS DURING EMERGENCY PERIOD.

(a) IN GENERAL.—Section 1886(d)(4)(C) of the Social Security Act (42 U.S.C. 1395ww(d)(4)(C)) is amended by adding at the end the following new clause:

“(iv)(I) For discharges occurring during the emergency period described in section 1135(g)(1)(B), in the case of a discharge of an individual diagnosed with COVID–19, the Secretary shall increase the weighting factor that would otherwise apply to the diagnosis-related group to which the discharge is assigned by 20 percent. The Secretary shall identify a discharge of such an individual through the use of diagnosis codes, condition codes, or other such means as may be necessary.
“(II) Any adjustment under subclause (I) shall not be taken into account in applying budget neutrality under clause (iii).”.

(b) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement the amendment made by subsection (a) by program instruction or otherwise.

SEC. 3711. INCREASING ACCESS TO POST-ACUTE CARE DURING EMERGENCY PERIOD.

(a) WAIVER OF IRF 3-OUR RULE.—With respect to inpatient rehabilitation services furnished by a rehabilitation facility described in section 1886(j)(1) of the Social Security Act (42 U.S.C. 1395ww(j)(1)) during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), the Secretary of Health and Human Services shall waive section 412.622(a)(3)(ii) of title 42, Code of Federal Regulations (or any successor regulations), relating to the requirement that patients of an inpatient rehabilitation facility receive at least 15 hours of therapy per week.

(b) WAIVER OF SITE-NEUTRAL PAYMENT RATE PROVISIONS FOR LONG-TERM CARE HOSPITALS.—With respect to inpatient hospital services furnished by a long-term care hospital described in section 1886(d)(1)(B)(iv) of the Social Security Act (42 U.S.C.
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1 1395ww(d)(1)(B)(iv)) during the emergency period de-
2 scribed in section 1135(g)(1)(B) of the Social Security Act
3 (42 U.S.C. 1320b–5(g)(1)(B)), the Secretary of Health
4 and Human Services shall waive the following provisions
5 of section 1886(m)(6) of such Act (42 U.S.C.
6 1395ww(m)(6)):

7  (1) LTCH 50-PERCENT RULE.—Subparagraph
8  (C)(ii) of such section, relating to the payment ad-
9 justment for long-term care hospitals that do not
10 have a discharge payment percentage for the period
11 that is at least 50 percent.

12  (2) SITE-NEUTRAL IPPS PAYMENT RATE.—Sub-
13 paragraph (A)(i) of such section, relating to the ap-
14 plication of the site-neutral payment rate (and pay-
15 ment shall be made to a long-term care hospital
16 without regard to such section) for a discharge if the
17 admission occurs during such emergency period and
18 is in response to the public health emergency de-
19 scribed in such section 1135(g)(1)(B).

20 SEC. 3712. REVISING PAYMENT RATES FOR DURABLE MED-
21 ICAL EQUIPMENT UNDER THE MEDICARE
22 PROGRAM THROUGH DURATION OF EMER-
23 GENCY PERIOD.

24  (a) RURAL AND NONCONTIGUOUS AREAS.—The Sec-
25 retary of Health and Human Services shall implement sec-
tion 414.210(g)(9)(iii) of title 42, Code of Federal Regulations (or any successor regulation), to apply the transition rule described in such section to all applicable items and services furnished in rural areas and noncontiguous areas (as such terms are defined for purposes of such section) as planned through December 31, 2020, and through the duration of the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), if longer.

(b) Areas Other Than Rural and Noncontiguous Areas.—With respect to items and services furnished on or after the date that is 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall apply section 414.210(g)(9)(iv) of title 42, Code of Federal Regulations (or any successor regulation), as if the reference to “dates of service from June 1, 2018 through December 31, 2020, based on the fee schedule amount for the area is equal to 100 percent of the adjusted payment amount established under this section” were instead a reference to “dates of service from March 6, 2020, through the remainder of the duration of the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), based on the fee schedule amount for the area is equal to 75 percent of the adjusted payment amount established
under this section and 25 percent of the unadjusted fee schedule amount”.

SEC. 3713. COVERAGE OF THE COVID-19 VACCINE UNDER PART B OF THE MEDICARE PROGRAM WITHOUT ANY COST-SHARING.

(a) Medical and Other Health Services.—Section 1861(s)(10)(A) of the Social Security Act (42 U.S.C. 1395x(s)(10)(A)) is amended by inserting “, and COVID-19 vaccine and its administration” after “influenza vaccine and its administration”.

(b) Part B Deductible.—The first sentence of section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)) is amended—

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

(2) in paragraph (11), by striking the period at the end and inserting “, and (12) such deductible shall not apply with respect a COVID-19 vaccine and its administration described in section 1861(s)(10)(A).”.

(c) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply with respect to a COVID-19 vaccine beginning on the date that such vaccine is licensed
under section 351 of the Public Health Service Act (42 U.S.C. 262).

(d) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement the provisions of, and the amendments made by, this section by program instruction or otherwise.

SEC. 3714. REQUIRING MEDICARE PRESCRIPTION DRUG PLANS AND MA–PD PLANS TO ALLOW DURING THE COVID-19 EMERGENCY PERIOD FOR FILLS AND REFILLS OF COVERED PART D DRUGS FOR UP TO A 3-MONTH SUPPLY.

(a) IN GENERAL.—Section 1860D–4(b) of the Social Security Act (42 U.S.C. 1395w–104(b)) is amended by adding at the end the following new paragraph:

“(4) ENSURING ACCESS DURING COVID-19 PUBLIC HEALTH EMERGENCY PERIOD.—

“(A) IN GENERAL.—During the emergency period described in section 1135(g)(1)(B), subject to subparagraph (B), a prescription drug plan or MA–PD plan shall, notwithstanding any cost and utilization management, medication therapy management, or other such programs under this part, permit a part D eligible individual enrolled in such plan to obtain in a single fill or refill, at the option of such individual,
the total day supply (not to exceed a 90-day
supply) prescribed for such individual for a cov-
ered part D drug.

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

(b) IMPLEMENTATION.—Notwithstanding any other

provision of law, the Secretary of Health and Human

Services may implement the amendment made by this sec-
tion by program instruction or otherwise.

SEC. 3715. PROVIDING HOME AND COMMUNITY-BASED

SERVICES IN ACUTE CARE HOSPITALS.

Section 1902(h) of the Social Security Act (42 U.S.C.

1396a(h)) is amended—

(1) by inserting “(1)” after “(h)”;

(2) by inserting “, home and community-based

services provided under subsection (c), (d), or (i) of

section 1915 or under a waiver or demonstration

project under section 1115, self-directed personal as-

sistance services provided pursuant to a written plan

of care under section 1915(j), and home and com-

munity-based attendant services and supports under

section 1915(k)” before the period; and
(3) by adding at the end the following:

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

“(A) identified in an individual’s person-centered service plan (or comparable plan of care);

“(B) provided to meet needs of the individual that are not met through the provision of hospital services;

“(C) not a substitute for services that the hospital is obligated to provide through its conditions of participation or under Federal or State law, or under another applicable requirement; and

“(D) designed to ensure smooth transitions between acute care settings and home and community-based settings, and to preserve the individual’s functional abilities.”.

SEC. 3716. CLARIFICATION REGARDING UNINSURED INDIVIDUALS.

Subsection (ss) of section 1902 of the Social Security Act (42 U.S.C. 1396a), as added by section 6004(a)(3)(C) of the Families First Coronavirus Response Act, is amended—
(1) in paragraph (1), by inserting “(excluding subclause (VIII) of such subsection if the individual is a resident of a State which does not furnish medical assistance to individuals described in such subclause)” before the semicolon; and

(2) in paragraph (2), by inserting “, except that individuals who are eligible for medical assistance under subsection (a)(10)(A)(ii)(XII), subsection (a)(10)(A)(ii)(XVIII), subsection (a)(10)(A)(ii)(XXI), or subsection (a)(10)(C) (but only to the extent such an individual is considered to not have minimum essential coverage under section 5000A(f)(1) of the Internal Revenue Code of 1986), or who are described in subsection (l)(1)(A) and are eligible for medical assistance only because of subsection (a)(10)(A)(i)(IV) or (a)(10)(A)(ii)(IX) and whose eligibility for such assistance is limited by the State under clause (VII) in the matter following subsection (a)(10)(G), shall not be treated as enrolled in a Federal health care program for purposes of this paragraph” before the period at the end.
Subtitle E—Health and Human Services Extenders

PART I—MEDICARE PROVISIONS

SEC. 3801. EXTENSION OF THE WORK GEOGRAPHIC INDEX FLOOR UNDER THE MEDICARE PROGRAM.


SEC. 3802. EXTENSION OF FUNDING FOR QUALITY MEASURE ENDORSEMENT, INPUT, AND SELECTION.

(a) In general.—Section 1890(d)(2) of the Social Security Act (42 U.S.C. 1395aaa(d)(2)) is amended—

(1) in the first sentence, by striking “and $4,830,000 for the period beginning on October 1, 2019, and ending on May 22, 2020” and inserting “$20,000,000 for fiscal year 2020, and for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the prorata portion of the amount appropriated for such period for fiscal year 2020”; and

(2) in the third sentence, by striking “and 2019 and for the period beginning on October 1, 2019, and ending on May 22, 2020” and inserting “, 2019, and 2020, and for the period beginning on
October 1, 2020, and ending on November 30, 2020,”.

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

SEC. 3803. EXTENSION OF FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.

(a) FUNDING EXTENSIONS.—

2020, and Health Extenders Act of 2019 (Public Law 116–59), section 1402 of division B of the Further Continuing Appropriations Act, 2020, and Further Health Extenders Act of 2019 (Public Law 116–69), and section 103 of division N of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) is amended by striking clauses (x) through (xii) and inserting the following new clauses:

“(x) for fiscal year 2020, of $13,000,000; and

“(xi) for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020.”.

(2) ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.—Subsection (b)(1)(B) of such section 119, as so amended, is amended by striking clauses (x) through (xii) and inserting the following new clauses:

“(x) for fiscal year 2020, of $7,500,000; and

“(xi) for the period beginning on October 1, 2020, and ending on November
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30, 2020, the amount equal to the pro rata
portion of the amount appropriated for
such period for fiscal year 2020.”.

(3) ADDITIONAL FUNDING FOR AGING AND DIS-
ABILITY RESOURCE CENTERS.—Subsection (c)(1)(B)
of such section 119, as so amended, is amended by
striking clauses (x) through (xii) and inserting the
following new clauses:

“(x) for fiscal year 2020, of
$5,000,000; and

“(xi) for the period beginning on Oc-
tober 1, 2020, and ending on November
30, 2020, the amount equal to the pro rata
portion of the amount appropriated for
such period for fiscal year 2020.”.

(4) ADDITIONAL FUNDING FOR CONTRACT
WITH THE NATIONAL CENTER FOR BENEFITS AND
OUTREACH ENROLLMENT.—Subsection (d)(2) of
such section 119, as so amended, is amended by
striking clauses (x) through (xii) and inserting the
following new clauses:

“(x) for fiscal year 2020, of
$12,000,000; and

“(xi) for the period beginning on Oc-
tober 1, 2020, and ending on November
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30, 2020, the amount equal to the pro rata
portion of the amount appropriated for
such period for fiscal year 2020.”.

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

PART II—MEDICAID PROVISIONS

SEC. 3811. EXTENSION OF THE MONEY FOLLOWS THE PER-
SON REBALANCING DEMONSTRATION PRO-
GRAM.

Section 6071(h) of the Deficit Reduction Act of 2005
(42 U.S.C. 1396a note) is amended—

(1) in paragraph (1), by striking subparagraph
(G) and inserting the following:

“(G) subject to paragraph (3),
$337,500,000 for the period beginning on Jan-
uary 1, 2020, and ending on September 30,
2020; and

“(H) subject to paragraph (3), for the pe-
period beginning on October 1, 2020, and ending
on November 30, 2020, the amount equal to
the pro rata portion of the amount appropriated
for such period for fiscal year 2020.”; and
(2) in paragraph (3), by striking “and (G)” and inserting “, (G), and (H)”.

SEC. 3812. EXTENSION OF SPOUSAL IMPOVERISHMENT PROTECTIONS.

(a) In General.—Section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) is amended by striking “May 22, 2020” and inserting “November 30, 2020”.

(b) Rule of Construction.—Nothing in section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) or section 1902(a)(17) or 1924 of the Social Security Act (42 U.S.C. 1396a(a)(17), 1396r–5) shall be construed as prohibiting a State from—

(1) applying an income or resource disregard under a methodology authorized under section 1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—

(A) to the income or resources of an individual described in section 1902(a)(10)(A)(ii)(VI) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(VI)) (including a disregard of the income or resources of such individual’s spouse); or

(B) on the basis of an individual’s need for home and community-based services authorized under subsection (c), (d), (i), or (k) of section
1915 of such Act (42 U.S.C. 1396n) or under section 1115 of such Act (42 U.S.C. 1315); or
(2) disregarding an individual’s spousal income and assets under a plan amendment to provide medical assistance for home and community-based services for individuals by reason of being determined eligible under section 1902(a)(10)(C) of such Act (42 U.S.C. 1396a(a)(10)(C)) or by reason of section 1902(f) of such Act (42 U.S.C. 1396a(f)) or otherwise on the basis of a reduction of income based on costs incurred for medical or other remedial care under which the State disregarded the income and assets of the individual’s spouse in determining the initial and ongoing financial eligibility of an individual for such services in place of the spousal impoverishment provisions applied under section 1924 of such Act (42 U.S.C. 1396r–5).

SEC. 3813. DELAY OF DSH REDUCTIONS.

Section 1923(f)(7)(A) of the Social Security Act (42 U.S.C. 1396r–4(f)(7)(A)) is amended—
(1) in clause (i), in the matter preceding subclause (I), by striking “May 23, 2020, and ending September 30, 2020, and for each of fiscal years 2021” and inserting “December 1, 2020, and ending
September 30, 2021, and for each of fiscal years 2022”; and

(2) in clause (ii)—

(A) in subclause (I), by striking “May 23, 2020, and ending September 30, 2020” and inserting “December 1, 2020, and ending September 30, 2021”; and

(B) in subclause (II), by striking “2021” and inserting “2022”.

SEC. 3814. EXTENSION OF COMMUNITY MENTAL HEALTH SERVICES DEMONSTRATION PROGRAM.

Section 223(d)(3) of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note) is amended by striking “May 22, 2020” and inserting “November 30, 2020”.

PART III—HUMAN SERVICES AND OTHER HEALTH PROGRAMS

SEC. 3821. EXTENSION OF SEXUAL RISK AVOIDANCE EDUCATION PROGRAM.

Section 510 of the Social Security Act (42 U.S.C. 710) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A)—
(i) by striking “and 2019 and for the period beginning October 1, 2019, and ending May 22, 2020” and inserting “through 2020 and for the period beginning October 1, 2020, and ending November 30, 2020”; and

(ii) by striking “fiscal year 2020” and inserting “fiscal year 2021”

(B) in paragraph (2)(A)—

(i) by striking “and 2019 and for the period beginning October 1, 2019, and ending May 22, 2020” and inserting “through 2020 and for the period beginning October 1, 2020, and ending November 30, 2020”; and

(ii) by striking “fiscal year 2020” and inserting “fiscal year 2021”; and

(2) in subsection (f)(1), by striking “and 2019 and $48,287,671 for the period beginning October 1, 2019, and ending May 22, 2020” and inserting “through 2020, and for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020”. 
SEC. 3822. EXTENSION OF PERSONAL RESPONSIBILITY EDUCATION PROGRAM.

Section 513 of the Social Security Act (42 U.S.C. 713) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), in the matter preceding clause (i), by striking “2019 and for the period beginning October 1, 2019, and ending May 22, 2020” and inserting “2020 and for the period beginning October 1, 2020, and ending November 30, 2020”;

(B) in subparagraph (B)(i), by striking by striking “October 1, 2019, and ending May 22, 2020” and inserting “October 1, 2020, and ending November 30, 2020”; and

(2) in subsection (f), by striking “2019 and $48,287,671 for the period beginning October 1, 2019, and ending May 22, 2020” and inserting “2020, and for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020”.
SEC. 3823. EXTENSION OF DEMONSTRATION PROJECTS TO ADDRESS HEALTH PROFESSIONS WORKFORCE NEEDS.

Activities authorized by section 2008 of the Social Security Act shall continue through November 30, 2020, in the manner authorized for fiscal year 2019, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the date so specified at the pro rata portion of the total amount authorized for such activities in fiscal year 2019.

SEC. 3824. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM AND RELATED PROGRAMS.

Activities authorized by part A of title IV and section 1108(b) of the Social Security Act shall continue through November 30, 2020, in the manner authorized for fiscal year 2019, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.
PART IV—PUBLIC HEALTH PROVISIONS

SEC. 3831. EXTENSION FOR COMMUNITY HEALTH CENTERS, THE NATIONAL HEALTH SERVICE CORPS, AND TEACHING HEALTH CENTERS THAT OPERATE GME PROGRAMS.

(a) COMMUNITY HEALTH CENTERS.—Section 10503(b)(1)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended by striking “and $2,575,342,466 for the period beginning on October 1, 2019, and ending on May 22, 2020” and inserting “$4,000,000,000 for fiscal year 2020, and $668,493,151 for the period beginning on October 1, 2020, and ending on November 30, 2020”.

(b) NATIONAL HEALTH SERVICE CORPS.—Section 10503(b)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(2)) is amended—

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

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

“(G) $310,000,000 for fiscal year 2020; and

“(H) $51,808,219 for the period beginning on October 1, 2020, and ending on November 30, 2020.”.
(c) Teaching Health Centers That Operate Graduate Medical Education Programs.—Section 340H(g)(1) of the Public Health Service Act (42 U.S.C. 256h(g)(1)) is amended by striking “and 2019, and $81,445,205 for the period beginning on October 1, 2019, and ending on May 22, 2020” and inserting “through fiscal year 2020, and $21,141,096 for the period beginning on October 1, 2020, and ending on November 30, 2020”.

(d) Application of Provisions.—Amounts appropriated pursuant to the amendments made by this section for fiscal years 2020 and 2021 shall be subject to the requirements contained in Public Law 116–94 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254 through 256).

(e) Conforming Amendment.—Paragraph (4) of section 3014(h) of title 18, United States Code, as amended by section 401(e) of division N of Public Law 116–94, is amended by striking “section 401(d) of division N of the Further Consolidated Appropriations Act, 2020” and inserting “section 3831 of the CARES Act”.

SEC. 3832. DIABETES PROGRAMS.

(a) Type I.—Section 330B(b)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is amended by striking “and 2019, and $96,575,342 for the
period beginning on October 1, 2019, and ending on May 22, 2020” and inserting “through 2020, and $25,068,493 for the period beginning on October 1, 2020, and ending on November 30, 2020”.

(b) INDIANS.—Section 330C(c)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)(D)) is amended by striking “and 2019, and $96,575,342 for the period beginning on October 1, 2019, and ending on May 22, 2020” and inserting “through 2020, and $25,068,493 for the period beginning on October 1, 2020, and ending on November 30, 2020”.

PART V—MISCELLANEOUS PROVISIONS

SEC. 3841. PREVENTION OF DUPLICATE APPROPRIATIONS FOR FISCAL YEAR 2020.

Expenditures made under any provision of law amended in this title pursuant to the amendments made by the Continuing Appropriations Act, 2020, and Health Extenders Act of 2019 (Public Law 116–59), the Further Continuing Appropriations Act, 2020, and Further Health Extenders Act of 2019 (Public Law 116-69), and the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) for fiscal year 2020 shall be charged to the applicable appropriation or authorization provided by the amendments made by this title to such provision of law for such fiscal year.
Subtitle F—Over-the-Counter
Drugs

PART I—OTC DRUG REVIEW

SEC. 3851. REGULATION OF CERTAIN NONPRESCRIPTION DRUGS THAT ARE MARKETED WITHOUT AN APPROVED DRUG APPLICATION.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by inserting after section 505F of such Act (21 U.S.C. 355g) the following:

“SEC. 505G. REGULATION OF CERTAIN NONPRESCRIPTION DRUGS THAT ARE MARKETED WITHOUT AN APPROVED DRUG APPLICATION.

“(a) NONPRESCRIPTION DRUGS MARKETED WITHOUT AN APPROVED APPLICATION.—Nonprescription drugs marketed without an approved drug application under section 505, as of the date of the enactment of this section, shall be treated in accordance with this sub-

“(1) DRUGS SUBJECT TO A FINAL MONOGRAPH; CATEGORY I DRUGS SUBJECT TO A TENTATIVE FINAL MONOGRAPH.—A drug is deemed to be gen-

not subject to section 503(b)(1), if—

“(A) the drug is—
“(i) in conformity with the requirements for nonprescription use of a final monograph issued under part 330 of title 21, Code of Federal Regulations (except as provided in paragraph (2)), the general requirements for nonprescription drugs, and conditions or requirements under subsections (b), (c), and (k); and

“(ii) except as permitted by an order issued under subsection (b) or, in the case of a minor change in the drug, in conformity with an order issued under subsection (c), in a dosage form that, immediately prior to the date of the enactment of this section, has been used to a material extent and for a material time under section 201(p)(2); or

“(B) the drug is—

“(i) classified in category I for safety and effectiveness under a tentative final monograph that is the most recently applicable proposal or determination issued under part 330 of title 21, Code of Federal Regulations;
“(ii) in conformity with the proposed requirements for nonprescription use of such tentative final monograph, any applicable subsequent determination by the Secretary, the general requirements for non-prescription drugs, and conditions or requirements under subsections (b), (e), and (k); and

“(iii) except as permitted by an order issued under subsection (b) or, in the case of a minor change in the drug, in conformity with an order issued under subsection (c), in a dosage form that, immediately prior to the date of the enactment of this section, has been used to a material extent and for a material time under section 201(p)(2).

“(2) Treatment of Sunscreen Drugs.—With respect to sunscreen drugs subject to this section, the applicable requirements in terms of conformity with a final monograph, for purposes of paragraph (1)(A)(i), shall be the requirements specified in part 352 of title 21, Code of Federal Regulations, as published on May 21, 1999, beginning on page 27687 of volume 64 of the Federal Register,
except that the applicable requirements governing effectiveness and labeling shall be those specified in section 201.327 of title 21, Code of Federal Regulations.

"(3) CATEGORY III DRUGS SUBJECT TO A TENTATIVE FINAL MONOGRAPH; CATEGORY I DRUGS SUBJECT TO PROPOSED MONOGRAPH OR ADVANCE NOTICE OF PROPOSED RULEMAKING.—A drug that is not described in paragraph (1), (2), or (4) is not required to be the subject of an application approved under section 505, and is not subject to section 503(b)(1), if—

"(A) the drug is—

"(i) classified in category III for safety or effectiveness in the preamble of a proposed rule establishing a tentative final monograph that is the most recently applicable proposal or determination for such drug issued under part 330 of title 21, Code of Federal Regulations;

"(ii) in conformity with—

"(I) the conditions of use, including indication and dosage strength, if any, described for such category III
drug in such preamble or in an applicable subsequent proposed rule;

“(II) the proposed requirements for drugs classified in such tentative final monograph in category I in the most recently proposed rule establishing requirements related to such tentative final monograph and in any final rule establishing requirements that are applicable to the drug; and

“(III) the general requirements for nonprescription drugs and conditions or requirements under subsection (b) or (k); and

“(iii) in a dosage form that, immediately prior to the date of the enactment of this section, had been used to a material extent and for a material time under section 201(p)(2); or

“(B) the drug is—

“(i) classified in category I for safety and effectiveness under a proposed monograph or advance notice of proposed rule-making that is the most recently applicable proposal or determination for such drug
issued under part 330 of title 21, Code of Federal Regulations;

“(ii) in conformity with the requirements for nonprescription use of such proposed monograph or advance notice of proposed rulemaking, any applicable subsequent determination by the Secretary, the general requirements for nonprescription drugs, and conditions or requirements under subsection (b) or (k); and

“(iii) in a dosage form that, immediately prior to the date of the enactment of this section, has been used to a material extent and for a material time under section 201(p)(2).

“(4) CATEGORY II DRUGS DEEMED NEW DRUGS.—A drug that is classified in category II for safety or effectiveness under a tentative final monograph or that is subject to a determination to be not generally recognized as safe and effective in a proposed rule that is the most recently applicable proposal issued under part 330 of title 21, Code of Federal Regulations, shall be deemed to be a new drug under section 201(p), misbranded under section 502(ee), and subject to the requirement for an ap-
proved new drug application under section 505 beginning on the day that is 180 calendar days after the date of the enactment of this section, unless, before such day, the Secretary determines that it is in the interest of public health to extend the period during which the drug may be marketed without such an approved new drug application.

“(5) Drugs not generally deemed new drugs.—A drug that the Secretary has determined not to be generally recognized as safe and effective under section 201(p)(1) under a final determination issued under part 330 of title 21, Code of Federal Regulations, shall be deemed to be a new drug under section 201(p), misbranded under section 502(ee), and subject to the requirement for an approved new drug application under section 505.

“(6) Other drugs deemed new drugs.—Except as provided in subsection (m), a drug is deemed to be a new drug under section 201(p) and misbranded under section 502(ee) if the drug—

“(A) is not subject to section 503(b)(1); and

“(B) is not described in paragraph (1), (2), (3), (4), or (5), or subsection (b)(1)(B).

“(b) Administrative Orders.—
“(1) IN GENERAL.—

“(A) DETERMINATION.—The Secretary may, on the initiative of the Secretary or at the request of one or more requestors, issue an administrative order determining whether there are conditions under which a specific drug, a class of drugs, or a combination of drugs, is determined to be—

“(i) not subject to section 503(b)(1); and

“(ii) generally recognized as safe and effective under section 201(p)(1).

“(B) EFFECT.—A drug or combination of drugs shall be deemed to not require approval under section 505 if such drug or combination of drugs—

“(i) is determined by the Secretary to meet the conditions specified in clauses (i) and (ii) of subparagraph (A); and

“(ii) is marketed in conformity with an administrative order under this subsection;

“(iii) meets the general requirements for nonprescription drugs; and
“(iv) meets the requirements under subsections (c) and (k).

“(C) STANDARD.—The Secretary shall find that a drug is not generally recognized as safe and effective under section 201(p)(1) if—

“(i) the evidence shows that the drug is not generally recognized as safe and effective under section 201(p)(1); or

“(ii) the evidence is inadequate to show that the drug is generally recognized as safe and effective under section 201(p)(1).

“(2) ADMINISTRATIVE ORDERS INITIATED BY THE SECRETARY.—

“(A) IN GENERAL.—In issuing an administrative order under paragraph (1) upon the Secretary's initiative, the Secretary shall—

“(i) make reasonable efforts to notify informally, not later than 2 business days before the issuance of the proposed order, the sponsors of drugs who have a listing in effect under section 510(j) for the drugs or combination of drugs that will be subject to the administrative order;
“(ii) after any such reasonable efforts of notification—

“(I) issue a proposed administrative order by publishing it on the website of the Food and Drug Administration and include in such order the reasons for the issuance of such order; and

“(II) publish a notice of availability of such proposed order in the Federal Register;

“(iii) except as provided in subparagraph (B), provide for a public comment period with respect to such proposed order of not less than 45 calendar days; and

“(iv) if, after completion of the proceedings specified in clauses (i) through (iii), the Secretary determines that it is appropriate to issue a final administrative order—

“(I) issue the final administrative order, together with a detailed statement of reasons, which order shall not take effect until the time for request-
ing judicial review under paragraph (3)(D)(ii) has expired;

“(II) publish a notice of such final administrative order in the Federal Register;

“(III) afford requestors of drugs that will be subject to such order the opportunity for formal dispute resolution up to the level of the Director of the Center for Drug Evaluation and Research, which initially must be requested within 45 calendar days of the issuance of the order, and, for subsequent levels of appeal, within 30 calendar days of the prior decision; and

“(IV) except with respect to drugs described in paragraph (3)(B), upon completion of the formal dispute resolution procedure, inform the persons which sought such dispute resolution of their right to request a hearing.

“(B) EXCEPTIONS.—When issuing an administrative order under paragraph (1) on the
Secretary's initiative proposing to determine that a drug described in subsection (a)(3) is not generally recognized as safe and effective under section 201(p)(1), the Secretary shall follow the procedures in subparagraph (A), except that—

“(i) the proposed order shall include notice of—

“(I) the general categories of data the Secretary has determined necessary to establish that the drug is generally recognized as safe and effective under section 201(p)(1); and

“(II) the format for submissions by interested persons;

“(ii) the Secretary shall provide for a public comment period of no less than 180 calendar days with respect to such proposed order, except when the Secretary determines, for good cause, that a shorter period is in the interest of public health; and

“(iii) any person who submits data in such comment period shall include a certification that the person has submitted all evidence created, obtained, or received by that person that is both within the cat-
egories of data identified in the proposed
order and relevant to a determination as to
whether the drug is generally recognized as
safe and effective under section 201(p)(1).

“(3) HEARINGS; JUDICIAL REVIEW.—

“(A) IN GENERAL.—Only a person who
participated in each stage of formal dispute res-
olution under subclause (III) of paragraph
(2)(A)(iv) of an administrative order with re-
spect to a drug may request a hearing con-
cerning a final administrative order issued
under such paragraph with respect to such
drug. If a hearing is sought, such person must
submit a request for a hearing, which shall be
based solely on information in the administra-
tive record, to the Secretary not later than 30
calendar days after receiving notice of the final
decision of the formal dispute resolution proce-
dure.

“(B) NO HEARING REQUIRED WITH RE-
SPECT TO ORDERS RELATING TO CERTAIN
DRUGS.—

“(i) IN GENERAL.—The Secretary
shall not be required to provide notice and
an opportunity for a hearing pursuant to
paragraph (2)(A)(iv) if the final administrative order involved relates to a drug—

“(I) that is described in subsection (a)(3)(A); and

“(II) with respect to which no human or non-human data studies relevant to the safety or effectiveness of such drug have been submitted to the administrative record since the issuance of the most recent tentative final monograph relating to such drug.

“(ii) HUMAN DATA STUDIES AND NON-HUMAN DATA DEFINED.—In this sub-

paragraph:

“(I) The term ‘human data studies’ means clinical trials of safety or effectiveness (including actual use studies), pharmacokinetics studies, or bioavailability studies.

“(II) The term ‘non-human data’ means data from testing other than with human subjects which provides information concerning safety or ef-

fectiveness.
“(C) Hearing procedures.—

“(i) Denial of request for hearing.—If the Secretary determines that information submitted in a request for a hearing under subparagraph (A) with respect to a final administrative order issued under paragraph (2)(A)(iv) does not identify the existence of a genuine and substantial question of material fact, the Secretary may deny such request. In making such a determination, the Secretary may consider only information and data that are based on relevant and reliable scientific principles and methodologies.

“(ii) Single hearing for multiple related requests.—If more than one request for a hearing is submitted with respect to the same administrative order under subparagraph (A), the Secretary may direct that a single hearing be conducted in which all persons whose hearing requests were granted may participate.

“(iii) Presiding officer.—The presiding officer of a hearing requested under subparagraph (A) shall—
“(I) be designated by the Secretary;

“(II) not be an employee of the Center for Drug Evaluation and Research; and

“(III) not have been previously involved in the development of the administrative order involved or proceedings relating to that administrative order.

“(iv) Rights of Parties to Hearing.—The parties to a hearing requested under subparagraph (A) shall have the right to present testimony, including testimony of expert witnesses, and to cross-examine witnesses presented by other parties. Where appropriate, the presiding officer may require that cross-examination by parties representing substantially the same interests be consolidated to promote efficiency and avoid duplication.

“(v) Final Decision.—

“(I) At the conclusion of a hearing requested under subparagraph (A), the presiding officer of the hear-
ing shall issue a decision containing findings of fact and conclusions of law. The decision of the presiding officer shall be final.

“(II) The final decision may not take effect until the period under subparagraph (D)(ii) for submitting a request for judicial review of such decision expires.

“(D) JUDICIAL REVIEW OF FINAL ADMINISTRATIVE ORDER.—

“(i) IN GENERAL.—The procedures described in section 505(h) shall apply with respect to judicial review of final administrative orders issued under this subsection in the same manner and to the same extent as such section applies to an order described in such section except that the judicial review shall be taken by filing in an appropriate district court of the United States in lieu of the appellate courts specified in such section.

“(ii) PERIOD TO SUBMIT A REQUEST FOR JUDICIAL REVIEW.—A person eligible to request a hearing under this paragraph
and seeking judicial review of a final administrative order issued under this subsection shall file such request for judicial review not later than 60 calendar days after the latest of—

“(I) the date on which notice of such order is published;

“(II) the date on which a hearing with respect to such order is denied under subparagraph (B) or (C)(i);

“(III) the date on which a final decision is made following a hearing under subparagraph (C)(v); or

“(IV) if no hearing is requested, the date on which the time for requesting a hearing expires.

“(4) Expedited procedure with respect to administrative orders initiated by the Secretary.—

“(A) Imminent hazard to the public health.—

“(i) In general.—In the case of a determination by the Secretary that a drug, class of drugs, or combination of drugs subject to this section poses an im-
minent hazard to the public health, the Secretary, after first making reasonable ef-
forts to notify, not later than 48 hours be-
fore issuance of such order under this sub-
paragraph, sponsors who have a listing in
effect under section 510(j) for such drug
or combination of drugs—

“(I) may issue an interim final
administrative order for such drug,
class of drugs, or combination of
drugs under paragraph (1), together
with a detailed statement of the rea-
sons for such order;

“(II) shall publish in the Federal
Register a notice of availability of any
such order; and

“(III) shall provide for a public
comment period of at least 45 cal-
endar days with respect to such in-
terim final order.

“(ii) NONDELEGATION.—The Sec-
retary may not delegate the authority to
issue an interim final administrative order
under this subparagraph.

“(B) SAFETY LABELING CHANGES.—
“(i) IN GENERAL.—In the case of a determination by the Secretary that a change in the labeling of a drug, class of drugs, or combination of drugs subject to this section is reasonably expected to mitigate a significant or unreasonable risk of a serious adverse event associated with use of the drug, the Secretary may—

“(I) make reasonable efforts to notify informally, not later than 48 hours before the issuance of the interim final order, the sponsors of drugs who have a listing in effect under section 510(j) for such drug or combination of drugs;

“(II) after reasonable efforts of notification, issue an interim final administrative order in accordance with paragraph (1) to require such change, together with a detailed statement of the reasons for such order;

“(III) publish in the Federal Register a notice of availability of such order; and
“(IV) provide for a public comment period of at least 45 calendar days with respect to such interim final order.

“(ii) CONTENT OF ORDER.—An interim final order issued under this subparagraph with respect to the labeling of a drug may provide for new warnings and other information required for safe use of the drug.

“(C) EFFECTIVE DATE.—An order under subparagraph (A) or (B) shall take effect on a date specified by the Secretary.

“(D) FINAL ORDER.—After the completion of the proceedings in subparagraph (A) or (B), the Secretary shall—

“(i) issue a final order in accordance with paragraph (1);

“(ii) publish a notice of availability of such final administrative order in the Federal Register; and

“(iii) afford sponsors of such drugs that will be subject to such an order the opportunity for formal dispute resolution up to the level of the Director of the Cen-
ter for Drug Evaluation and Research, which must initially be within 45 calendar days of the issuance of the order, and for subsequent levels of appeal, within 30 calendar days of the prior decision.

“(E) Hearings.—A sponsor of a drug subject to a final order issued under subparagraph (D) and that participated in each stage of formal dispute resolution under clause (iii) of such subparagraph may request a hearing on such order. The provisions of subparagraphs (A), (B), and (C) of paragraph (3), other than paragraph (3)(C)(v)(II), shall apply with respect to a hearing on such order in the same manner and to the same extent as such provisions apply with respect to a hearing on an administrative order issued under paragraph (2)(A)(iv).

“(F) Timing.—

“(i) Final order and hearing.—

The Secretary shall—

“(I) not later than 6 months after the date on which the comment period closes under subparagraph (A)
or (B), issue a final order in accordance with paragraph (1); and

“(II) not later than 12 months after the date on which such final order is issued, complete any hearing under subparagraph (E).

“(ii) DISPUTE RESOLUTION REQUEST.—The Secretary shall specify in an interim final order issued under subparagraph (A) or (B) such shorter periods for requesting dispute resolution under subparagraph (D)(iii) as are necessary to meet the requirements of this subparagraph.

“(G) JUDICIAL REVIEW.—A final order issued pursuant to subparagraph (F) shall be subject to judicial review in accordance with paragraph (3)(D).

“(5) ADMINISTRATIVE ORDER INITIATED AT THE REQUEST OF A REQUESTOR.—

“(A) IN GENERAL.—In issuing an administrative order under paragraph (1) at the request of a requestor with respect to certain drugs, classes of drugs, or combinations of drugs—
“(i) the Secretary shall, after receiving a request under this subparagraph, determine whether the request is sufficiently complete and formatted to permit a substantive review;

“(ii) if the Secretary determines that the request is sufficiently complete and formatted to permit a substantive review, the Secretary shall—

“(I) file the request; and

“(II) initiate proceedings with respect to issuing an administrative order in accordance with paragraphs (2) and (3); and

“(iii) except as provided in paragraph (6), if the Secretary determines that a request does not meet the requirements for filing or is not sufficiently complete and formatted to permit a substantive review, the requestor may demand that the request be filed over protest, and the Secretary shall initiate proceedings to review the request in accordance with paragraph (2)(A).

“(B) REQUEST TO INITIATE PROCEEDINGS.—
“(i) IN GENERAL.—A requestor seeking an administrative order under paragraph (1) with respect to certain drugs, classes of drugs, or combinations of drugs, shall submit to the Secretary a request to initiate proceedings for such order in the form and manner as specified by the Secretary. Such requestor may submit a request under this subparagraph for the issuance of an administrative order—

“(I) determining whether a drug is generally recognized as safe and effective under section 201(p)(1), exempt from section 503(b)(1), and not required to be the subject of an approved application under section 505; or

“(II) determining whether a change to a condition of use of a drug is generally recognized as safe and effective under section 201(p)(1), exempt from section 503(b)(1), and not required to be the subject of an approved application under section 505,
if, absent such a changed condition of
use, such drug is—

“(aa) generally recognized
as safe and effective under sec-
tion 201(p)(1) in accordance with
subsection (a)(1), (a)(2), or an
order under this subsection; or

“(bb) subject to subsection
(a)(3), but only if such requestor
initiates such request in conjunc-
tion with a request for the Sec-
retary to determine whether such
drug is generally recognized as
safe and effective under section
201(p)(1), which is filed by the
Secretary under subparagraph
(A)(ii).

“(ii) EXCEPTION.—The Secretary is
not required to complete review of a re-
quest for a change described in clause
(i)(II) if the Secretary determines that
there is an inadequate basis to find the
drug is generally recognized as safe and ef-
fective under section 201(p)(1) under para-
graph (1) and issues a final order announcing that determination.

“(iii) WITHDRAWAL.—The requestor may withdraw a request under this paragraph, according to the procedures set forth pursuant to subsection (d)(2)(B). Notwithstanding any other provision of this section, if such request is withdrawn, the Secretary may cease proceedings under this subparagraph.

“(C) EXCLUSIVITY.—

“(i) IN GENERAL.—A final administrative order issued in response to a request under this section shall have the effect of authorizing solely the order requestor (or the licensees, assignees, or successors in interest of such requestor with respect to the subject of such order), for a period of 18 months following the effective date of such final order and beginning on the date the requestor may lawfully market such drugs pursuant to the order, to market drugs—

“(I) incorporating changes described in clause (ii); and
“(II) subject to the limitations under clause (iv).

“(ii) Changes described.—A change described in this clause is a change subject to an order specified in clause (i), which—

“(I) provides for a drug to contain an active ingredient (including any ester or salt of the active ingredient) not previously incorporated in a drug described in clause (iii); or

“(II) provides for a change in the conditions of use of a drug, for which new human data studies conducted or sponsored by the requestor (or for which the requestor has an exclusive right of reference) were essential to the issuance of such order.

“(iii) Drugs described.—The drugs described in this clause are drugs—

“(I) specified in subsection (a)(1), (a)(2), or (a)(3);

“(II) subject to a final order issued under this section;
“(III) subject to a final sunscreen order (as defined in section 586(2)(A)); or

“(IV) described in subsection (m)(1), other than drugs subject to an active enforcement action under chapter III of this Act.

“(iv) LIMITATIONS ON EXCLUSIVITY.—

“(I) IN GENERAL.—Only one 18-month period under this subparagraph shall be granted, under each order described in clause (i), with respect to changes (to the drug subject to such order) which are either—

“(aa) changes described in clause (ii)(I), relating to active ingredients; or

“(bb) changes described in clause (ii)(II), relating to conditions of use.

“(II) NO EXCLUSIVITY ALLOWED.—No exclusivity shall apply to changes to a drug which are—
“(aa) the subject of a Tier 2 OTC monograph order request (as defined in section 744L);

“(bb) safety-related changes, as defined by the Secretary, or any other changes the Secretary considers necessary to assure safe use; or

“(cc) changes related to methods of testing safety or efficacy.

“(v) NEW HUMAN DATA STUDIES DEFINED.—In this subparagraph, the term ‘new human data studies’ means clinical trials of safety or effectiveness (including actual use studies), pharmacokinetics studies, or bioavailability studies, the results of which—

“(I) have not been relied on by the Secretary to support—

“(aa) a proposed or final determination that a drug described in subclause (I), (II), or (III) of clause (iii) is generally recognized
as safe and effective under section 201(p)(1); or

“(bb) approval of a drug that was approved under section 505; and

“(II) do not duplicate the results of another study that was relied on by the Secretary to support—

“(aa) a proposed or final determination that a drug described in subclause (I), (II), or (III) of clause (iii) is generally recognized as safe and effective under section 201(p)(1); or

“(bb) approval of a drug that was approved under section 505.

“(vi) Notification of Drug Not Available for Sale.—A requestor that is granted exclusivity with respect to a drug under this subparagraph shall notify the Secretary in writing within 1 year of the issuance of the final administrative order if the drug that is the subject of such order will not be available for sale
within 1 year of the date of issuance of such order. The requestor shall include with such notice the—

“(I) identity of the drug by established name and by proprietary name, if any;

“(II) strength of the drug;

“(III) date on which the drug will be available for sale, if known; and

“(IV) reason for not marketing the drug after issuance of the order.

“(6) INFORMATION REGARDING SAFE NON-PRESCRIPTION MARKETING AND USE AS CONDITION FOR FILING A GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE REQUEST.—

“(A) IN GENERAL.—In response to a request under this section that a drug described in subparagraph (B) be generally recognized as safe and effective, the Secretary—

“(i) may file such request, if the request includes information specified under subparagraph (C) with respect to safe non-prescription marketing and use of such drug; or
“(ii) if the request fails to include information specified under subparagraph (C), shall refuse to file such request and require that nonprescription marketing of the drug be pursuant to a new drug application as described in subparagraph (D).

“(B) Drug described.—A drug described in this subparagraph is a nonprescription drug which contains an active ingredient not previously incorporated in a drug—

“(i) specified in subsection (a)(1), (a)(2), or (a)(3);

“(ii) subject to a final order under this section; or

“(iii) subject to a final sunscreen order (as defined in section 586(2)(A)).

“(C) Information demonstrating prima facie safe nonprescription marketing and use.—Information specified in this subparagraph, with respect to a request described in subparagraph (A)(i), is—

“(i) information sufficient for a prima facie demonstration that the drug subject to such request has a verifiable history of being marketed and safely used by con-
consumers in the United States as a non-prescription drug under comparable conditions of use;

“(ii) if the drug has not been previously marketed in the United States as a nonprescription drug, information sufficient for a prima facie demonstration that the drug was marketed and safely used under comparable conditions of marketing and use in a country listed in section 802(b)(1)(A) or designated by the Secretary in accordance with section 802(b)(1)(B)—

“(I) for such period as needed to provide reasonable assurances concerning the safe nonprescription use of the drug; and

“(II) during such time was subject to sufficient monitoring by a regulatory body considered acceptable by the Secretary for such monitoring purposes, including for adverse events associated with nonprescription use of the drug; or
“(iii) if the Secretary determines that information described in clause (i) or (ii) is not needed to provide a prima facie demonstration that the drug can be safely marketed and used as a nonprescription drug, such other information the Secretary determines is sufficient for such purposes.

“(D) MARKETING PURSUANT TO NEW DRUG APPLICATION.—In the case of a request described in subparagraph (A)(ii), the drug subject to such request may be resubmitted for filing only if—

“(i) the drug is marketed as a non-prescription drug, under conditions of use comparable to the conditions specified in the request, for such period as the Secretary determines appropriate (not to exceed 5 consecutive years) pursuant to an application approved under section 505; and

“(ii) during such period, 1,000,000 retail packages of the drug, or an equivalent quantity as determined by the Secretary, were distributed for retail sale, as
determined in such manner as the Secretary finds appropriate.

“(E) Rule of Application.—Except in the case of a request involving a drug described in section 586(9), as in effect on January 1, 2017, if the Secretary refuses to file a request under this paragraph, the requestor may not file such request over protest under paragraph (5)(A)(iii).

“(7) Packaging.—An administrative order issued under paragraph (2), (4)(A), or (5) may include requirements for the packaging of a drug to encourage use in accordance with labeling. Such requirements may include unit dose packaging, requirements for products intended for use by pediatric populations, requirements to reduce risk of harm from unsupervised ingestion, and other appropriate requirements. This paragraph does not authorize the Food and Drug Administration to require standards or testing procedures as described in part 1700 of title 16, Code of Federal Regulations.

“(8) Final and Tentative Final Monographs for Category I Drugs Deemed Final Administrative Orders.—
“(A) IN GENERAL.—A final monograph or tentative final monograph described in subparagraph (B) shall be deemed to be a final administrative order under this subsection and may be amended, revoked, or otherwise modified in accordance with the procedures of this subsection.

“(B) MONOGRAPHS DESCRIBED.—For purposes of subparagraph (A), a final monograph or tentative final monograph is described in this subparagraph if it—

“(i) establishes conditions of use for a drug described in paragraph (1) or (2) of subsection (a); and

“(ii) represents the most recently promulgated version of such conditions, including as modified, in whole or in part, by any proposed or final rule.

“(C) DEEMED ORDERS INCLUDE HARMONIZING TECHNICAL AMENDMENTS.—The deemed establishment of a final administrative order under subparagraph (A) shall be construed to include any technical amendments to such order as the Secretary determines necessary to ensure that such order is appro-
appropriately harmonized, in terms of terminology or
cross-references, with the applicable provisions
of this Act (and regulations thereunder) and
any other orders issued under this section.

“(c) Procedure for Minor Changes.—

“(1) In General.—Minor changes in the dosage
form of a drug that is described in paragraph
(1) or (2) of subsection (a) or the subject of an
order issued under subsection (b) may be made by
a requestor without the issuance of an order under
subsection (b) if—

“(A) the requestor maintains such informa-
tion as is necessary to demonstrate that the
change—

“(i) will not affect the safety or effec-
tiveness of the drug; and

“(ii) will not materially affect the ex-
tent of absorption or other exposure to the
active ingredient in comparison to a suit-
able reference product; and

“(B) the change is in conformity with the
requirements of an applicable administrative
order issued by the Secretary under paragraph
(3).

“(2) Additional Information.—
“(A) Access to records.—A sponsor shall submit records requested by the Secretary relating to such a minor change under section 704(a)(4), within 15 business days of receiving such a request, or such longer period as the Secretary may provide.

“(B) Insufficient information.—If the Secretary determines that the information contained in such records is not sufficient to demonstrate that the change does not affect the safety or effectiveness of the drug or materially affect the extent of absorption or other exposure to the active ingredient, the Secretary—

“(i) may so inform the sponsor of the drug in writing; and

“(ii) if the Secretary so informs the sponsor, shall provide the sponsor of the drug with a reasonable opportunity to provide additional information.

“(C) Failure to submit sufficient information.—If the sponsor fails to provide such additional information within a time prescribed by the Secretary, or if the Secretary determines that such additional information does not demonstrate that the change does not—
“(i) affect the safety or effectiveness
of the drug; or
“(ii) materially affect the extent of
absorption or other exposure to the active
ingredient in comparison to a suitable refer-
rence product,
the drug as modified is a new drug under sec-
tion 201(p) and shall be deemed to be mis-
branded under section 502(ee).
“(3) DETERMINING WHETHER A CHANGE WILL
AFFECT SAFETY OR EFFECTIVENESS.—
“(A) IN GENERAL.—The Secretary shall
issue one or more administrative orders speci-
fying requirements for determining whether a
minor change made by a sponsor pursuant to
this subsection will affect the safety or effective-
ness of a drug or materially affect the extent of
absorption or other exposure to an active ingre-
dient in the drug in comparison to a suitable
reference product, together with guidance for
applying those orders to specific dosage forms.
“(B) STANDARD PRACTICES.—The orders
and guidance issued by the Secretary under
subparagraph (A) shall take into account rel-
evant public standards and standard practices
for evaluating the quality of drugs, and may take into account the special needs of populations, including children.

“(d) CONFIDENTIALITY OF INFORMATION SUBMITTED TO THE SECRETARY.—

“(1) IN GENERAL.—Subject to paragraph (2), any information, including reports of testing conducted on the drug or drugs involved, that is submitted by a requestor in connection with proceedings on an order under this section (including any minor change under subsection (c)) and is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code, shall not be disclosed to the public unless the requestor consents to that disclosure.

“(2) PUBLIC AVAILABILITY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall—

“(i) make any information submitted by a requestor in support of a request under subsection (b)(5)(A) available to the public not later than the date on which the proposed order is issued; and
“(ii) make any information submitted by any other person with respect to an order requested (or initiated by the Secretary) under subsection (b), available to the public upon such submission.

“(B) LIMITATIONS ON PUBLIC AVAILABILITY.—Information described in subparagraph (A) shall not be made public if—

“(i) the information pertains to pharmaceutical quality information, unless such information is necessary to establish standards under which a drug is generally recognized as safe and effective under section 201(p)(1);

“(ii) the information is submitted in a requestor-initiated request, but the requestor withdraws such request, in accordance with withdrawal procedures established by the Secretary, before the Secretary issues the proposed order;

“(iii) the Secretary requests and obtains the information under subsection (c) and such information is not submitted in relation to an order under subsection (b); or
“(iv) the information is of the type contained in raw datasets.

“(e) Updates to Drug Listing Information.—

A sponsor who makes a change to a drug subject to this section shall submit updated drug listing information for the drug in accordance with section 510(j) within 30 calendar days of the date when the drug is first commercially marketed, except that a sponsor who was the order requestor with respect to an order subject to subsection (b)(5)(C) (or a licensee, assignee, or successor in interest of such requestor) shall submit updated drug listing information on or before the date when the drug is first commercially marketed.

“(f) Approvals Under Section 505.—The provisions of this section shall not be construed to preclude a person from seeking or maintaining the approval of an application for a drug under sections 505(b)(1), 505(b)(2), and 505(j). A determination under this section that a drug is not subject to section 503(b)(1), is generally recognized as safe and effective under section 201(p)(1), and is not a new drug under section 201(p) shall constitute a finding that the drug is safe and effective that may be relied upon for purposes of an application under section 505(b)(2), so that the applicant shall be required to submit for purposes of such application only information needed to support any
modification of the drug that is not covered by such determination under this section.

“(g) Public Availability of Administrative Orders.—The Secretary shall establish, maintain, update (as determined necessary by the Secretary but no less frequently than annually), and make publicly available, with respect to orders issued under this section—

“(1) a repository of each final order and interim final order in effect, including the complete text of the order; and

“(2) a listing of all orders proposed and under development under subsection (b)(2), including—

“(A) a brief description of each such order; and

“(B) the Secretary’s expectations, if resources permit, for issuance of proposed orders over a 3-year period.

“(h) Development Advice to Sponsors or Requestors.—The Secretary shall establish procedures under which sponsors or requestors may meet with appropriate officials of the Food and Drug Administration to obtain advice on the studies and other information necessary to support submissions under this section and other matters relevant to the regulation of nonprescription
drugs and the development of new nonprescription drugs under this section.

“(i) Participation of Multiple Sponsors or Requestors.—The Secretary shall establish procedures to facilitate efficient participation by multiple sponsors or requestors in proceedings under this section, including provision for joint meetings with multiple sponsors or requestors or with organizations nominated by sponsors or requestors to represent their interests in a proceeding.

“(j) Electronic Format.—All submissions under this section shall be in electronic format.

“(k) Effect on Existing Regulations Governing Nonprescription Drugs.—

“(1) Regulations of General Applicability to Nonprescription Drugs.—Except as provided in this subsection, nothing in this section supersedes regulations establishing general requirements for nonprescription drugs, including regulations of general applicability contained in parts 201, 250, and 330 of title 21, Code of Federal Regulations, or any successor regulations. The Secretary shall establish or modify such regulations by means of rulemaking in accordance with section 553 of title 5, United States Code.
“(2) Regulations establishing requirements for specific nonprescription drugs.—

“(A) The provisions of section 310.545 of title 21, Code of Federal Regulations, as in effect on the day before the date of the enactment of this section, shall be deemed to be a final order under subsection (b).

“(B) Regulations in effect on the day before the date of the enactment of this section, establishing requirements for specific nonprescription drugs marketed pursuant to this section (including such requirements in parts 201 and 250 of title 21, Code of Federal Regulations), shall be deemed to be final orders under subsection (b), only as they apply to drugs—

“(i) subject to paragraph (1), (2), (3), or (4) of subsection (a); or

“(ii) otherwise subject to an order under this section.

“(3) Withdrawal of regulations.—The Secretary shall withdraw regulations establishing final monographs and the procedures governing the over-the-counter drug review under part 330 and other relevant parts of title 21, Code of Federal
Regulations (as in effect on the day before the date of the enactment of this section), or make technical changes to such regulations to ensure conformity with appropriate terminology and cross references. Notwithstanding subchapter II of chapter 5 of title 5, United States Code, any such withdrawal or technical changes shall be made without public notice and comment and shall be effective upon publication through notice in the Federal Register (or upon such date as specified in such notice).

“(l) GUIDANCE.—The Secretary shall issue guidance that specifies—

“(1) the procedures and principles for formal meetings between the Secretary and sponsors or requestors for drugs subject to this section;

“(2) the format and content of data submissions to the Secretary under this section;

“(3) the format of electronic submissions to the Secretary under this section;

“(4) consolidated proceedings for appeal and the procedures for such proceedings where appropriate; and

“(5) for minor changes in drugs, recommendations on how to comply with the requirements in orders issued under subsection (c)(3).
“(m) Rule of Construction.—

“(1) In general.—This section shall not affect the treatment or status of a nonprescription drug—

“(A) that is marketed without an application approved under section 505 as of the date of the enactment of this section;

“(B) that is not subject to an order issued under this section; and

“(C) to which paragraph (1), (2), (3), (4), or (5) of subsection (a) do not apply.

“(2) Treatment of products previously found to be subject to time and extent requirements.—

“(A) Notwithstanding subsection (a), a drug described in subparagraph (B) may only be lawfully marketed, without an application approved under section 505, pursuant to an order issued under this section.

“(B) A drug described in this subparagraph is a drug which, prior to the date of the enactment of this section, the Secretary determined in a proposed or final rule to be ineligible for review under the OTC drug review (as such phrase ‘OTC drug review’ was used in section
330.14 of title 21, Code of Federal Regulations, as in effect on the day before the date of the enactment of this section).

“(3) Preservation of Authority.—

“(A) Nothing in paragraph (1) shall be construed to preclude or limit the applicability of any provision of this Act other than this section.

“(B) Nothing in subsection (a) shall be construed to prohibit the Secretary from issuing an order under this section finding a drug to be not generally recognized as safe and effective under section 201(p)(1), as the Secretary determines appropriate.

“(n) Investigational New Drugs.—A drug is not subject to this section if an exemption for investigational use under section 505(i) is in effect for such drug.

“(o) Inapplicability of Paperwork Reduction Act.—Chapter 35 of title 44, United States Code, shall not apply to collections of information made under this section.

“(p) Inapplicability of Notice and Comment Rulemaking and Other Requirements.—The requirements of subsection (b) shall apply with respect to orders issued under this section instead of the require-
ments of subchapter II of chapter 5 of title 5, United States Code.

“(q) DEFINITIONS.—In this section:

“(1) The term ‘nonprescription drug’ refers to a drug not subject to the requirements of section 503(b)(1).

“(2) The term ‘sponsor’ refers to any person marketing, manufacturing, or processing a drug that—

“(A) is listed pursuant to section 510(j); and

“(B) is or will be subject to an administrative order under this section of the Food and Drug Administration.

“(3) The term ‘requestor’ refers to any person or group of persons marketing, manufacturing, processing, or developing a drug.”.

(b) GAO STUDY.—Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a study to the Committee on Energy and Commerce of the House of Representa-tees and the Committee on Health, Education, Labor, and Pensions of the Senate addressing the effectiveness and overall impact of exclusivity under section 505G of the Federal Food, Drug, and Cosmetic Act, as
added by subsection (a), and section 586C of such Act (21 U.S.C. 360fff–3), including the impact of such exclusivity on consumer access. Such study shall include—

(1) an analysis of the impact of exclusivity under such section 505G for nonprescription drug products, including—

(A) the number of nonprescription drug products that were granted exclusivity and the indication for which the nonprescription drug products were determined to be generally recognized as safe and effective;

(B) whether the exclusivity for such drug products was granted for—

(i) a new active ingredient (including any ester or salt of the active ingredient); or

(ii) changes in the conditions of use of a drug, for which new human data studies conducted or sponsored by the requestor were essential;

(C) whether, and to what extent, the exclusivity impacted the requestor’s or sponsor’s decision to develop the drug product;
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(D) an analysis of the implementation of
the exclusivity provision in such section 505G,
including—

(i) the resources used by the Food
and Drug Administration;

(ii) the impact of such provision on
innovation, as well as research and develop-
ment in the nonprescription drug mar-
et;

(iii) the impact of such provision on
competition in the nonprescription drug
market;

(iv) the impact of such provision on
consumer access to nonprescription drug
products;

(v) the impact of such provision on
the prices of nonprescription drug prod-
ucts; and

(vi) whether the administrative orders
initiated by requestors under such section
505G have been sufficient to encourage the
development of nonprescription drug prod-
ducts that would likely not be otherwise de-
developed, or developed in as timely a man-
ner; and
(E) whether the administrative orders initiated by requestors under such section 505G have been sufficient incentive to encourage innovation in the nonprescription drug market; and

(2) an analysis of the impact of exclusivity under such section 586C for sunscreen ingredients, including—

(A) the number of sunscreen ingredients that were granted exclusivity and the specific ingredient that was determined to be generally recognized as safe and effective;

(B) whether, and to what extent, the exclusivity impacted the requestor’s or sponsor’s decision to develop the sunscreen ingredient;

(C) whether, and to what extent, the sunscreen ingredient granted exclusivity had previously been available outside of the United States;

(D) an analysis of the implementation of the exclusivity provision in such section 586C, including—

(i) the resources used by the Food and Drug Administration;
(ii) the impact of such provision on innovation, as well as research and development in the sunscreen market;

(iii) the impact of such provision on competition in the sunscreen market;

(iv) the impact of such provision on consumer access to sunscreen products;

(v) the impact of such provision on the prices of sunscreen products; and

(vi) whether the administrative orders initiated by requestors under such section 505G have been utilized by sunscreen ingredient sponsors and whether such process has been sufficient to encourage the development of sunscreen ingredients that would likely not be otherwise developed, or developed in as timely a manner; and

(E) whether the administrative orders initiated by requestors under such section 586C have been sufficient incentive to encourage innovation in the sunscreen market.

(c) CONFORMING AMENDMENT.—Section 751(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379r(d)(1)) is amended—

(1) in the matter preceding subparagraph (A)—
(A) by striking “final regulation promulgated” and inserting “final order under section 505G”; and

(B) by striking “and not misbranded”; and

(2) in subparagraph (A), by striking “regulation in effect” and inserting “regulation or order in effect”.

SEC. 3852. MISBRANDING.

Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

“(ee) If it is a nonprescription drug that is subject to section 505G, is not the subject of an application approved under section 505, and does not comply with the requirements under section 505G.

“(ff) If it is a drug and it was manufactured, prepared, propagated, compounded, or processed in a facility for which fees have not been paid as required by section 744M.”.

SEC. 3853. DRUGS EXCLUDED FROM THE OVER-THE-COUNTER DRUG REVIEW.

(a) In general.—Nothing in this Act (or the amendments made by this Act) shall apply to any non-prescription drug (as defined in section 505G(q) of the Federal Food, Drug, and Cosmetic Act, as added by see-
tion 3851 of this subtitle) which was excluded by the Food and Drug Administration from the Over-the-Counter Drug Review in accordance with the paragraph numbered 25 on page 9466 of volume 37 of the Federal Register, published on May 11, 1972.

(b) Rule of Construction.—Nothing in this section shall be construed to preclude or limit the applicability of any other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

SEC. 3854. TREATMENT OF SUNSCREEN INNOVATION ACT.

(a) Review of Nonprescription Sunscreen Active Ingredients.—

(1) Applicability of section 505g for pending submissions.—

(A) In General.—A sponsor of a non-prescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients that, as of the date of enactment of this Act, is subject to a proposed sunscreen order under section 586C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff–3) may elect, by means of giving written notification to the Secretary of Health and Human Services within 180 calendar days of the enactment of this Act, to transition into the review
of such ingredient or combination of ingredients pursuant to the process set out in section 505G of the Federal Food, Drug, and Cosmetic Act, as added by section 3851 of this subtitle.

(B) ELECTION EXERCISED.—Upon receipt by the Secretary of Health and Human Services of a timely notification under subparagraph (A)—

(i) the proposed sunscreen order involved is deemed to be a request for an order under subsection (b) of section 505G of the Federal Food, Drug, and Cosmetic Act, as added by section 3851 of this subtitle; and

(ii) such order is deemed to have been accepted for filing under subsection (b)(6)(A)(i) of such section 505G.

(C) ELECTION NOT EXERCISED.—If a notification under subparagraph (A) is not received by the Secretary of Health and Human Services within 180 calendar days of the date of enactment of this Act, the review of the proposed sunscreen order described in subparagraph (A)—
(i) shall continue under section 586C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff–3); and

(ii) shall not be eligible for review under section 505G, added by section 3851 of this subtitle.

(2) Definitions.—In this subsection, the terms “sponsor”, “nonprescription”, “sunscreen active ingredient”, and “proposed sunscreen order” have the meanings given to those terms in section 586 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff).

(b) Amendments to Sunscreen Provisions.—

(1) Final Sunscreen Orders.—Paragraph (3) of section 586C(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff–3(e)) is amended to read as follows:

“(3) Relationship to Orders under Section 505G.—A final sunscreen order shall be deemed to be a final order under section 505G.”.

(2) Meetings.—Paragraph (7) of section 586C(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff–3(b)) is amended—

(A) by striking “A sponsor may request” and inserting the following:
“(A) IN GENERAL.—A sponsor may re-
quest”; and

(B) by adding at the end the following:

“(B) CONFIDENTIAL MEETINGS.—A spon-
sor may request one or more confidential meet-
ings with respect to a proposed sunscreen order,
including a letter deemed to be a proposed sun-
screen order under paragraph (3), to discuss
matters relating to data requirements to sup-
port a general recognition of safety and effec-
tiveness involving confidential information and
public information related to such proposed
sunscreen order, as appropriate. The Secretary
shall convene a confidential meeting with such
sponsor in a reasonable time period. If a spon-
sor requests more than one confidential meeting
for the same proposed sunscreen order, the Sec-
retary may refuse to grant an additional con-
fidential meeting request if the Secretary deter-
mines that such additional confidential meeting
is not reasonably necessary for the sponsor to
advance its proposed sunscreen order, or if the
request for a confidential meeting fails to in-
clude sufficient information upon which to base
a substantive discussion. The Secretary shall
publish a post-meeting summary of each confidential meeting under this subparagraph that does not disclose confidential commercial information or trade secrets. This subparagraph does not authorize the disclosure of confidential commercial information or trade secrets subject to 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.”.

(3) EXCLUSIVITY.—Section 586C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff–3) is amended by adding at the end the following:

“(f) EXCLUSIVITY.—

“(1) IN GENERAL.—A final sunscreen order shall have the effect of authorizing solely the order requestor (or the licensees, assignees, or successors in interest of such requestor with respect to the subject of such request and listed under paragraph (5)) for a period of 18 months, to market a sunscreen ingredient under this section incorporating changes described in paragraph (2) subject to the limitations under paragraph (4), beginning on the date the requestor (or any licensees, assignees, or successors in interest of such requestor with respect to the subject of such request and listed under paragraph (5)) may
lawfully market such sunscreen ingredient pursuant to the order.

“(2) CHANGES DESCRIBED.—A change described in this paragraph is a change subject to an order specified in paragraph (1) that permits a sunscreen to contain an active sunscreen ingredient not previously incorporated in a marketed sunscreen listed in paragraph (3).

“(3) MARKETED SUNSCREEN.—The marketed sunscreen ingredients described in this paragraph are sunscreen ingredients—

“(A) marketed in accordance with a final monograph for sunscreen drug products set forth at part 352 of title 21, Code of Federal Regulations (as published at 64 Fed. Reg. 27687); or

“(B) marketed in accordance with a final order issued under this section.

“(4) LIMITATIONS ON EXCLUSIVITY.—Only one 18-month period may be granted per ingredient under paragraph (1).

“(5) LISTING OF LICENSEES, ASSIGNEES, OR SUCCESSORS IN INTEREST.—Requestors shall submit to the Secretary at the time when a drug subject to such request is introduced or delivered for introduc-
tion into interstate commerce, a list of licensees, assignees, or successors in interest under paragraph (1).”.

(4) **Sunset provision.**—Subchapter I of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff et seq.) is amended by adding at the end the following:

“**Sec. 586H. Sunset.**

“This subchapter shall cease to be effective at the end of fiscal year 2022.”.


c) **Treatment of authority regarding finalization of sunscreen monograph.**—

(1) **In general.**—

(A) **Revision of final sunscreen order.**—The Secretary of Health and Human Services (referred to in this subsection as the “Secretary”) shall amend and revise the final administrative order concerning nonprescription sunscreen (referred to in this subsection as the “sunscreen order”) for which the content, prior to the date of enactment of this Act, was rep-
resented by the final monograph for sunscreen
drug products set forth in part 352 of title 21,
Code of Federal Regulations (as in effect on
May 21, 1999).

(B) Issuance of Revised Sunscreen
Order; Effective Date.—A revised sunscreen
order described in subparagraph (A) shall be—

(i) issued in accordance with the pro-
dedures described in section 505G(b)(2) of
the Federal Food, Drug, and Cosmetic
Act;

(ii) issued in proposed form not later
than 18 months after the date of enact-
ment of this Act; and

(iii) issued by the Secretary at least 1
year prior to the effective date of the re-
vised order.

(2) Reports.—If a revised sunscreen order
issued under paragraph (1) does not include pro-
sions related to the effectiveness of various sun pro-
tection factor levels, and does not address all dosage
forms known to the Secretary to be used in sun-
screens marketed in the United States without a
new drug application approved under section 505 of
the Federal Food, Drug, and Cosmetic Act (21
U.S.C. 355), the Secretary shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate on the rationale for omission of such provisions from such order, and a plan and timeline to compile any information necessary to address such provisions through such order.

(d) TREATMENT OF NON-SUNSCREEN TIME AND EXTENT APPLICATIONS.—

(1) IN GENERAL.—Any application described in section 586F of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff–6) that was submitted to the Secretary pursuant to section 330.14 of title 21, Code of Federal Regulations, as such provisions were in effect immediately prior to the date of enactment date of this Act, shall be extinguished as of such date of enactment, subject to paragraph (2).

(2) ORDER REQUEST.—Nothing in paragraph (1) precludes the submission of an order request under section 505G(b) of the Federal Food, Drug, and Cosmetic Act, as added by section 3851 of this subtitle, with respect to a drug that was the subject of an application extinguished under paragraph (1).
SEC. 3855. ANNUAL UPDATE TO CONGRESS ON APPROPRIATE PEDIATRIC INDICATION FOR CERTAIN OTC COUGH AND COLD DRUGS.

(a) IN GENERAL.—Subject to subsection (c), the Secretary of Health and Human Services shall, beginning not later than 1 year after the date of enactment of this Act, annually submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a letter describing the progress of the Food and Drug Administration—

(1) in evaluating the cough and cold monograph described in subsection (b) with respect to children under age 6; and

(2) as appropriate, revising such cough and cold monograph to address such children through the order process under section 505G(b) of the Federal Food, Drug, and Cosmetic Act, as added by section 3851 of this subtitle.

(b) COUGH AND COLD MONOGRAPH DESCRIBED.—The cough and cold monograph described in this subsection consists of the conditions under which nonprescription drugs containing antitussive, expectorant, nasal decongestant, or antihistamine active ingredients (or combinations thereof) are generally recognized as safe and effective, as specified in part 341 of title 21, Code of Federal
(c) Duration of Authority.—The requirement under subsection (a) shall terminate as of the date of a letter submitted by the Secretary of Health and Human Services pursuant to such subsection in which the Secretary indicates that the Food and Drug Administration has completed its evaluation and revised, in a final order, as applicable, the cough and cold monograph as described in subsection (a)(2).

SEC. 3856. TECHNICAL CORRECTIONS.

(a) Imports and Exports.—Section 801(e)(4)(E)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)(4)(E)(iii)) is amended by striking “subparagraph” each place such term appears and inserting “paragraph”.

(b) FDA Reauthorization Act of 2017.—

(1) In general.—Section 905(b)(4) of the FDA Reauthorization Act of 2017 (Public Law 115–52) is amended by striking “Section 744H(e)(2)(B)” and inserting “Section 744H(f)(2)(B)”.
(2) **Effective Date.**—The amendment made by paragraph (1) shall take effect as of the enactment of the FDA Reauthorization Act of 2017 (Public Law 115–52).

**PART II—USER FEES**

**SEC. 3861. FINDING.**

The Congress finds that the fees authorized by the amendments made in this part will be dedicated to OTC monograph drug activities, as set forth in the goals identified for purposes of part 10 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

**SEC. 3862. FEES RELATING TO OVER-THE-COUNTER DRUGS.**

Subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.) is amended by inserting after part 9 the following:

> **“PART 10—FEES RELATING TO OVER-THE-COUNTER DRUGS”**

> **“SEC. 744L. DEFINITIONS.”**

> “In this part:
“(1) The term ‘affiliate’ means a business entity that has a relationship with a second business entity if, directly or indirectly—

“(A) one business entity controls, or has the power to control, the other business entity; or

“(B) a third party controls, or has power to control, both of the business entities.

“(2) The term ‘contract manufacturing organization facility’ means an OTC monograph drug facility where neither the owner of such manufacturing facility nor any affiliate of such owner or facility sells the OTC monograph drug produced at such facility directly to wholesalers, retailers, or consumers in the United States.

“(3) The term ‘costs of resources allocated for OTC monograph drug activities’ means the expenses in connection with OTC monograph drug activities for—

“(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees and costs related to contracts with such contractors;
“(B) management of information, and the acquisition, maintenance, and repair of computer resources;

“(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

“(D) collecting fees under section 744M and accounting for resources allocated for OTC monograph drug activities.

“(4) The term ‘FDA establishment identifier’ is the unique number automatically generated by Food and Drug Administration’s Field Accomplishments and Compliance Tracking System (FACTS) (or any successor system).

“(5) The term ‘OTC monograph drug’ means a nonprescription drug without an approved new drug application which is governed by the provisions of section 505G.

“(6) The term ‘OTC monograph drug activities’ means activities of the Secretary associated with OTC monograph drugs and inspection of facilities associated with such products, including the following activities:
“(A) The activities necessary for review and evaluation of OTC monographs and OTC monograph order requests, including—

“(i) orders proposing or finalizing applicable conditions of use for OTC monograph drugs;

“(ii) orders affecting status regarding general recognition of safety and effectiveness of an OTC monograph ingredient or combination of ingredients under specified conditions of use;

“(iii) all OTC monograph drug development and review activities, including intra-agency collaboration;

“(iv) regulation and policy development activities related to OTC monograph drugs;

“(v) development of product standards for products subject to review and evaluation;

“(vi) meetings referred to in section 505G(i);

“(vii) review of labeling prior to issuance of orders related to OTC monograph drugs or conditions of use; and
“(viii) regulatory science activities related to OTC monograph drugs.

“(B) Inspections related to OTC monograph drugs.

“(C) Monitoring of clinical and other research conducted in connection with OTC monograph drugs.

“(D) Safety activities with respect to OTC monograph drugs, including—

“(i) collecting, developing, and reviewing safety information on OTC monograph drugs, including adverse event reports;

“(ii) developing and using improved adverse event data-collection systems, including information technology systems; and

“(iii) developing and using improved analytical tools to assess potential safety risks, including access to external databases.

“(E) Other activities necessary for implementation of section 505G.

“(7) The term ‘OTC monograph order request’ means a request for an order submitted under section 505G(b)(5).
“(8) The term ‘Tier 1 OTC monograph order request’ means any OTC monograph order request not determined to be a Tier 2 OTC monograph order request.

“(9)(A) The term ‘Tier 2 OTC monograph order request’ means, subject to subparagraph (B), an OTC monograph order request for—

“(i) the reordering of existing information in the drug facts label of an OTC monograph drug;

“(ii) the addition of information to the other information section of the drug facts label of an OTC monograph drug, as limited by section 201.66(c)(7) of title 21, Code of Federal Regulations (or any successor regulations);

“(iii) modification to the directions for use section of the drug facts label of an OTC monograph drug, if such changes conform to changes made pursuant to section 505G(c)(3)(A);

“(iv) the standardization of the concentration or dose of a specific finalized ingredient within a particular finalized monograph;

“(v) a change to ingredient nomenclature to align with nomenclature of a standards-setting organization; or
“(vi) addition of an interchangeable term in accordance with section 330.1 of title 21, Code of Federal Regulations (or any successor regulations).

“(B) The Secretary may, based on program implementation experience or other factors found appropriate by the Secretary, characterize any OTC monograph order request as a Tier 2 OTC monograph order request (including recharacterizing a request from Tier 1 to Tier 2) and publish such determination in a proposed order issued pursuant to section 505G.

“(10)(A) The term ‘OTC monograph drug facility’ means a foreign or domestic business or other entity that—

“(i) is—

“(I) under one management, either direct or indirect; and

“(II) at one geographic location or address engaged in manufacturing or processing the finished dosage form of an OTC monograph drug;

“(ii) includes a finished dosage form manufacturer facility in a contractual relationship with the sponsor of one or more OTC mono-
graph drugs to manufacture or process such
drugs; and

“(iii) does not include a business or other
entity whose only manufacturing or processing
activities are one or more of the following: pro-
duction of clinical research supplies, testing, or
placement of outer packaging on packages con-
taining multiple products, for such purposes as
creating multipacks, when each monograph
drug product contained within the overpack-
aging is already in a final packaged form prior
to placement in the outer overpackaging.

“(B) For purposes of subparagraph (A)(i)(II),
separate buildings or locations within close proximity
are considered to be at one geographic location or
address if the activities conducted in such buildings
or locations are—

“(i) closely related to the same business
enterprise;

“(ii) under the supervision of the same
local management; and

“(iii) under a single FDA establishment
identifier and capable of being inspected by the
Food and Drug Administration during a single
inspection.
“(C) If a business or other entity would meet criteria specified in subparagraph (A), but for being under multiple management, the business or other entity is deemed to constitute multiple facilities, one per management entity, for purposes of this paragraph.

“(11) The term ‘OTC monograph drug meeting’ means any meeting regarding the content of a proposed OTC monograph order request.

“(12) The term ‘person’ includes an affiliate of a person.

“(13) The terms ‘requestor’ and ‘sponsor’ have the meanings given such terms in section 505G.

“SEC. 744M. AUTHORITY TO ASSESS AND USE OTC MONOGRAPH FEES.

“(a) Types of Fees.—Beginning with fiscal year 2021, the Secretary shall assess and collect fees in accordance with this section as follows:

“(1) Facility Fee.—

“(A) In general.—Each person that owns a facility identified as an OTC monograph drug facility on December 31 of the fiscal year or at any time during the preceding 12-month period shall be assessed an annual fee for each
such facility as determined under subsection (c).

“(B) EXCEPTIONS.—

“(i) FACILITIES THAT CEASE ACTIVITIES.—A fee shall not be assessed under subparagraph (A) if the identified OTC monograph drug facility—

“(I) has ceased all activities related to OTC monograph drugs prior to December 31 of the year immediately preceding the applicable fiscal year; and

“(II) has updated its registration to reflect such change under the requirements for drug establishment registration set forth in section 510.

“(ii) CONTRACT MANUFACTURING ORGANIZATIONS.—The amount of the fee for a contract manufacturing organization facility shall be equal to two-thirds of the amount of the fee for an OTC monograph drug facility that is not a contract manufacturing organization facility.
“(C) AMOUNT.—The amount of fees established under subparagraph (A) shall be established under subsection (c).

“(D) DUE DATE.—

“(i) FOR FIRST PROGRAM YEAR.—For fiscal year 2021, the facility fees required under subparagraph (A) shall be due on the later of—

“(I) the first business day of June of 2020; or

“(II) 45 calendar days after publication of the Federal Register notice provided for under subsection (c)(4)(A).

“(ii) SUBSEQUENT FISCAL YEARS.—For each fiscal year after fiscal year 2021, the facility fees required under subparagraph (A) shall be due on the later of—

“(I) the first business day of June of such year; or

“(II) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees under this section for such year.
“(2) OTC MONOGRAPH ORDER REQUEST FEE.—

“(A) IN GENERAL.—Each person that sub-
mit an OTC monograph order request shall be
subject to a fee for an OTC monograph order
request. The amount of such fee shall be—

“(i) for a Tier 1 OTC monograph
order request, $500,000, adjusted for in-
flation for the fiscal year (as determined
under subsection (c)(1)(B)); and

“(ii) for a Tier 2 OTC monograph
order request, $100,000, adjusted for in-
flation for the fiscal year (as determined
under subsection (c)(1)(B)).

“(B) DUE DATE.—The OTC monograph
order request fees required under subparagraph
(A) shall be due on the date of submission of
the OTC monograph order request.

“(C) EXCEPTION FOR CERTAIN SAFETY
CHANGES.—A person who is named as the re-
questor in an OTC monograph order shall not
be subject to a fee under subparagraph (A) if
the Secretary finds that the OTC monograph
order request seeks to change the drug facts la-
beling of an OTC monograph drug in a way that would add to or strengthen—

“(i) a contraindication, warning, or precaution;

“(ii) a statement about risk associated with misuse or abuse; or

“(iii) an instruction about dosage and administration that is intended to increase the safe use of the OTC monograph drug.

“(D) REFUND OF FEE IF ORDER REQUEST IS RECATEGORIZED AS A TIER 2 OTC MONOGRAPH ORDER REQUEST.—If the Secretary determines that an OTC monograph request initially characterized as Tier 1 shall be re-characterized as a Tier 2 OTC monograph order request, and the requestor has paid a Tier 1 fee in accordance with subparagraph (A)(i), the Secretary shall refund the requestor the difference between the Tier 1 and Tier 2 fees determined under subparagraphs (A)(i) and (A)(ii), respectively.

“(E) REFUND OF FEE IF ORDER REQUEST REFUSED FOR FILING OR WITHDRAWN BEFORE FILING.—The Secretary shall refund 75 percent of the fee paid under subparagraph (B) for any
order request which is refused for filing or was withdrawn before being accepted or refused for filing.

“(F) Fees for order requests previously refused for filing or withdrawn before filing.—An OTC monograph order request that was submitted but was refused for filing, or was withdrawn before being accepted or refused for filing, shall be subject to the full fee under subparagraph (A) upon being resubmitted or filed over protest.

“(G) Refund of fee if order request withdrawn.—If an order request is withdrawn after the order request was filed, the Secretary may refund the fee or a portion of the fee if no substantial work was performed on the order request after the application was filed. The Secretary shall have the sole discretion to refund a fee or a portion of the fee under this subparagraph. A determination by the Secretary concerning a refund under this subparagraph shall not be reviewable.

“(3) Refunds.—

“(A) In general.—Other than refunds provided pursuant to any of subparagraphs (D)
through (G) of paragraph (2), the Secretary shall not refund any fee paid under paragraph (1) except as provided in subparagraph (B).

“(B) Disputes concerning fees.—To qualify for the return of a fee claimed to have been paid in error under paragraph (1) or (2), a person shall submit to the Secretary a written request justifying such return within 180 calendar days after such fee was paid.

“(4) Notice.—Within the timeframe specified in subsection (c), the Secretary shall publish in the Federal Register the amount of the fees under paragraph (1) for such fiscal year.

“(b) Fee revenue amounts.—

“(1) Fiscal year 2021.—For fiscal year 2021, fees under subsection (a)(1) shall be established to generate a total facility fee revenue amount equal to the sum of—

“(A) the annual base revenue for fiscal year 2021 (as determined under paragraph (3));

“(B) the dollar amount equal to the operating reserve adjustment for the fiscal year, if applicable (as determined under subsection (e)(2)); and
“(C) additional direct cost adjustments (as determined under subsection (c)(3)).

“(2) SUBSEQUENT FISCAL YEARS.—For each of the fiscal years 2022 through 2025, fees under subsection (a)(1) shall be established to generate a total facility fee revenue amount equal to the sum of—

“(A) the annual base revenue for the fiscal year (as determined under paragraph (3));

“(B) the dollar amount equal to the inflation adjustment for the fiscal year (as determined under subsection (c)(1));

“(C) the dollar amount equal to the operating reserve adjustment for the fiscal year, if applicable (as determined under subsection (c)(2));

“(D) additional direct cost adjustments (as determined under subsection (c)(3)); and

“(E) additional dollar amounts for each fiscal year as follows:

“(i) $7,000,000 for fiscal year 2022.

“(ii) $6,000,000 for fiscal year 2023.

“(iii) $7,000,000 for fiscal year 2024.

“(iv) $3,000,000 for fiscal year 2025.

“(3) ANNUAL BASE REVENUE.—For purposes of paragraphs (1)(A) and (2)(A), the dollar amount
of the annual base revenue for a fiscal year shall be—

“(A) for fiscal year 2021, $8,000,000; and

“(B) for fiscal years 2022 through 2025, the dollar amount of the total revenue amount established under this subsection for the previous fiscal year, not including any adjustments made under subsection (c)(2) or (c)(3).

“(e) ADJUSTMENTS; ANNUAL FEE SETTING.—

“(1) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—For purposes of subsection (b)(2)(B), the dollar amount of the inflation adjustment to the annual base revenue for fiscal year 2022 and each subsequent fiscal year shall be equal to the product of—

“(i) such annual base revenue for the fiscal year under subsection (b)(2); and

“(ii) the inflation adjustment percentage under subparagraph (C).

“(B) OTC MONOGRAPH ORDER REQUEST FEES.—For purposes of subsection (a)(2), the dollar amount of the inflation adjustment to the fee for OTC monograph order requests for fiscal year 2022 and each subsequent fiscal year shall be equal to the product of—
“(i) the applicable fee under sub-
section (a)(2) for the preceding fiscal year;
and
“(ii) the inflation adjustment percent-
age under subparagraph (C).

“(C) INFLATION ADJUSTMENT PERCENT-
AGE.—The inflation adjustment percentage
under this subparagraph for a fiscal year is
equal to—

“(i) for each of fiscal years 2022 and
2023, the average annual percent change
that occurred in the Consumer Price Index
for urban consumers (Washington-Balti-
more, DC–MD–VA–WV; Not Seasonally
Adjusted; All items; Annual Index) for the
first 3 years of the preceding 4 years of
available data; and

“(ii) for each of fiscal years 2024 and
2025, the sum of—

“(I) the average annual percent
change in the cost, per full-time equiv-
alent position of the Food and Drug
Administration, of all personnel com-
pensation and benefits paid with re-
spect to such positions for the first 3
years of the preceding 4 fiscal years, multiplied by the proportion of personnel compensation and benefits costs to total costs of OTC monograph drug activities for the first 3 years of the preceding 4 fiscal years; and

“(II) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC–MD–VA–WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data multiplied by the proportion of all costs other than personnel compensation and benefits costs to total costs of OTC monograph drug activities for the first 3 years of the preceding 4 fiscal years.

“(2) OPERATING RESERVE ADJUSTMENT.—

“(A) IN GENERAL.—For fiscal year 2021 and subsequent fiscal years, for purposes of subsections (b)(1)(B) and (b)(2)(C), the Secretary may, in addition to adjustments under
paragraph (1), further increase the fee revenue and fees if such an adjustment is necessary to provide operating reserves of carryover user fees for OTC monograph drug activities for not more than the number of weeks specified in subparagraph (B).

“(B) NUMBER OF WEEKS.—The number of weeks specified in this subparagraph is—

“(i) 3 weeks for fiscal year 2021;
“(ii) 7 weeks for fiscal year 2022;
“(iii) 10 weeks for fiscal year 2023;
“(iv) 10 weeks for fiscal year 2024;
and
“(v) 10 weeks for fiscal year 2025.

“(C) DECREASE.—If the Secretary has carryover balances for such process in excess of 10 weeks of the operating reserves referred to in subparagraph (A), the Secretary shall decrease the fee revenue and fees referred to in such subparagraph to provide for not more than 10 weeks of such operating reserves.

“(D) RATIONALE FOR ADJUSTMENT.—If an adjustment under this paragraph is made, the rationale for the amount of the increase or decrease (as applicable) in fee revenue and fees
shall be contained in the annual Federal Register notice under paragraph (4) establishing fee revenue and fees for the fiscal year involved.

“(3) ADDITIONAL DIRECT COST ADJUSTMENT.—The Secretary shall, in addition to adjustments under paragraphs (1) and (2), further increase the fee revenue and fees for purposes of subsection (b)(2)(D) by an amount equal to—

“(A) $14,000,000 for fiscal year 2021;
“(B) $7,000,000 for fiscal year 2022;
“(C) $4,000,000 for fiscal year 2023;
“(D) $3,000,000 for fiscal year 2024; and
“(E) $3,000,000 for fiscal year 2025.

“(4) ANNUAL FEE SETTING.—

“(A) FISCAL YEAR 2021.—The Secretary shall, not later than the second Monday in March of 2020—

“(i) establish OTC monograph drug facility fees for fiscal year 2021 under subsection (a), based on the revenue amount for such year under subsection (b) and the adjustments provided under this subsection; and
“(ii) publish fee revenue, facility fees, and OTC monograph order requests in the Federal Register.

“(B) SUBSEQUENT FISCAL YEARS.—The Secretary shall, for each fiscal year that begins after September 30, 2021, not later than the second Monday in March that precedes such fiscal year—

“(i) establish for such fiscal year, based on the revenue amounts under subsection (b) and the adjustments provided under this subsection—

“(I) OTC monograph drug facility fees under subsection (a)(1); and

“(II) OTC monograph order request fees under subsection (a)(2); and

“(ii) publish such fee revenue amounts, facility fees, and OTC monograph order request fees in the Federal Register.

“(d) IDENTIFICATION OF FACILITIES.—Each person that owns an OTC monograph drug facility shall submit to the Secretary the information required under this sub-
section each year. Such information shall, for each fiscal year—

“(1) be submitted as part of the requirements for drug establishment registration set forth in section 510; and

“(2) include for each such facility, at a minimum, identification of the facility’s business operation as that of an OTC monograph drug facility.

“(e) EFFECT OF FAILURE TO PAY FEES.—

“(1) OTC MONOGRAPH DRUG FACILITY FEE.—

“(A) In general.—Failure to pay the fee under subsection (a)(1) within 20 calendar days of the due date as specified in subparagraph (D) of such subsection shall result in the following:

“(i) The Secretary shall place the facility on a publicly available arrears list.

“(ii) All OTC monograph drugs manufactured in such a facility or containing an ingredient manufactured in such a facility shall be deemed misbranded under section 502(ff).

“(B) APPLICATION OF PENALTIES.—The penalties under this paragraph shall apply until the fee established by subsection (a)(1) is paid.
“(2) Order requests.—An OTC monograph order request submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person under this section have been paid.

“(3) Meetings.—A person subject to fees under this section shall be considered ineligible for OTC monograph drug meetings until all such fees owed by such person have been paid.

“(f) Crediting and availability of fees.—

“(1) In general.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for OTC monograph drug activities.

“(2) Collections and appropriation acts.—
“(A) IN GENERAL.—Subject to subparagraph (C), the fees authorized by this section shall be collected and available in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year.

“(B) USE OF FEES AND LIMITATION.—The fees authorized by this section shall be available to defray increases in the costs of the resources allocated for OTC monograph drug activities (including increases in such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such activities), only if the Secretary allocates for such purpose an amount for such fiscal year (excluding amounts from fees collected under this section) no less than $12,000,000, multiplied by the adjustment factor applicable to the fiscal year involved under subsection (c)(1).

“(C) COMPLIANCE.—The Secretary shall be considered to have met the requirements of subparagraph (B) in any fiscal year if the costs funded by appropriations and allocated for OTC
monograph drug activities are not more than 15 percent below the level specified in such sub-
paragraph.

“(D) Provision for Early Payments in Subsequent Years.—Payment of fees authorized under this section for a fiscal year (after fiscal year 2021), prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.

“(3) Authorization of Appropriations.—For each of the fiscal years 2021 through 2025, there is authorized to be appropriated for fees under this section an amount equal to the total amount of fees assessed for such fiscal year under this section.

“(g) Collection of Unpaid Fees.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 calendar days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(h) Construction.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Serv-
ices, for officers, employers, and advisory committees not
engaged in OTC monograph drug activities, be reduced
to offset the number of officers, employees, and advisory
committees so engaged.

“SEC. 744N. REAUTHORIZATION; REPORTING REQUIRE-
MENTS.

“(a) Performance Report.—Beginning with fiscal
year 2021, and not later than 120 calendar days after the
end of each fiscal year thereafter for which fees are col-
lected under this part, the Secretary shall prepare and
submit to the Committee on Energy and Commerce of the
House of Representatives and the Committee on Health,
Education, Labor, and Pensions of the Senate a report
concerning the progress of the Food and Drug Adminis-
tration in achieving the goals identified in the letters de-
scribed in section 3861(b) of the CARES Act during such
fiscal year and the future plans of the Food and Drug
Administration for meeting such goals.

“(b) Fiscal Report.—Not later than 120 calendar
days after the end of fiscal year 2021 and each subsequent
fiscal year for which fees are collected under this part,
the Secretary shall prepare and submit to the Committee
on Energy and Commerce of the House of Representatives
and the Committee on Health, Education, Labor, and
Pensions of the Senate a report on the implementation
of the authority for such fees during such fiscal year and
the use, by the Food and Drug Administration, of the fees
collected for such fiscal year.

“(c) Public Availability.—The Secretary shall
make the reports required under subsections (a) and (b)
available to the public on the internet website of the Food
and Drug Administration.

“(d) Reauthorization.—

“(1) Consultation.—In developing recom-
mendations to present to the Congress with re-
spect to the goals described in subsection (a), and
plans for meeting the goals, for OTC monograph
drug activities for the first 5 fiscal years after fiscal
year 2025, and for the reauthorization of this part
for such fiscal years, the Secretary shall consult
with—

“(A) the Committee on Energy and Com-
merce of the House of Representatives;
“(B) the Committee on Health, Education,
Labor, and Pensions of the Senate;
“(C) scientific and academic experts;
“(D) health care professionals;
“(E) representatives of patient and con-
sumer advocacy groups; and
“(F) the regulated industry.
“(2) Public review of recommendations.—After negotiations with the regulated industry, the Secretary shall—

“(A) present the recommendations developed under paragraph (1) to the congressional committees specified in such paragraph;

“(B) publish such recommendations in the Federal Register;

“(C) provide for a period of 30 calendar days for the public to provide written comments on such recommendations;

“(D) hold a meeting at which the public may present its views on such recommendations; and

“(E) after consideration of such public views and comments, revise such recommendations as necessary.

“(3) Transmittal of recommendations.—Not later than January 15, 2025, the Secretary shall transmit to the Congress the revised recommendations under paragraph (2), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.”.
TITLE IV—ECONOMIC STABILIZATION AND ASSISTANCE TO SEVERELY DISTRESSED SECTORS OF THE UNITED STATES ECONOMY

SEC. 4001. SHORT TITLE.

This title may be cited as the “Coronavirus Economic Stabilization Act of 2020”.

SEC. 4002. DEFINITIONS.

In this title:

(1) AIR CARRIER.—The term “air carrier” has the meaning such term has under section 40102 of title 49, United States Code.

(2) CORONAVIRUS.—The term “coronavirus” means SARS-CoV-2 or another coronavirus with pandemic potential.

(3) COVERED LOSS.—The term “covered loss” includes losses incurred directly or indirectly as a result of coronavirus, as determined by the Secretary.

(4) ELIGIBLE BUSINESS.—The term “eligible business” means—

(A) an air carrier; or

(B) a United States business that has not otherwise received adequate economic relief in
the form of loans or loan guarantees provided under this Act.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Treasury, or the designee of the Secretary of the Treasury.

(6) STATE.—The term “State” means any of the several States, the District of Columbia, any of the territories and possessions of the United States, and any Indian tribe.

SEC. 4003. EMERGENCY RELIEF AND TAXPAYER PROTECTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, to provide liquidity to eligible businesses, States, and municipalities related to losses incurred as a result of coronavirus, the Secretary is authorized to make loans, loan guarantees, and other investments in support of eligible businesses, States, and municipalities that do not, in the aggregate, exceed $500,000,000,000 and provide the subsidy amounts necessary for such loans, loan guarantees, and other investments in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(b) LOANS, LOAN GUARANTEES, AND OTHER INVESTMENTS.—Loans, loan guarantees, and other invest-
ments made pursuant to subsection (a) shall be made available as follows:

(1) Not more than $50,000,000,000 shall be available to make loans and loan guarantees for passenger air carriers.

(2) Not more than $8,000,000,000 shall be available to make loans and loan guarantees for cargo air carriers.

(3) Not more than $17,000,000,000 shall be available to make loans and loan guarantees for businesses critical to maintaining national security.

(4) Not more than the sum of $425,000,000,000 and any amounts available under paragraphs (1), (2), and (3) that are not used as provided under those paragraphs shall be available to make loans and loan guarantees to, and other investments in, programs or facilities established by the Board of Governors of the Federal Reserve System for the purpose of providing liquidity to the financial system that supports lending to eligible businesses, States, or municipalities by—

(A) purchasing obligations or other interests directly from issuers of such obligations or other interests; or
(B) purchasing obligations or other interests in secondary markets or otherwise.

(c) TERMS AND CONDITIONS.—

(1) IN GENERAL.—

(A) FORMS; TERMS AND CONDITIONS.—A loan, loan guarantee, or other investment shall be made under this section in such form and on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate. Any loans made by the Secretary under this section shall be at a rate determined by the Secretary based on the risk and the current average yield on outstanding marketable obligations of the United States of comparable maturity.

(B) PROCEDURES.—As soon as practicable, but in no case later than 10 days after the date of enactment of this Act, the Secretary shall publish procedures for application and minimum requirements, which may be supplemented by the Secretary in the Secretary’s discretion, for making loans, loan guarantees, or other investments under paragraphs (1), (2), and (3) of subsection (b).
(2) LOANS AND LOAN GUARANTEES.—The Secretary may enter into agreements to make loans or loan guarantees to 1 or more eligible businesses under paragraphs (1), (2), or (3) of subsection (b) if the Secretary determines that, in the Secretary’s discretion—

(A) the applicant is an eligible business for which credit is not reasonably available at the time of the transaction;

(B) the intended obligation by the applicant is prudently incurred;

(C) the loan or loan guarantee is sufficiently secured or is made at a rate that—

(i) reflects the risk of the loan or loan guarantee; and

(ii) is to the extent practicable, not less than an interest rate based on market conditions for comparable obligations prevalent prior to the outbreak of the coronavirus disease 2019 (COVID–19);

(D) the duration of the loan or loan guarantee is as short as practicable and in any case not longer than 5 years;

(E) except to the extent required under a contractual obligation in effect as of the date of
enactment of this Act, the agreement prohibits the eligible business from repurchasing any outstanding equity interests while the loan or loan guarantee is outstanding;

(F) the agreement requires the eligible business to maintain its existing employment levels as of March 13, 2020, to the extent practicable, while the loan or loan guarantee is outstanding; and

(G) for purposes of a loan or loan guarantee under subsection (b)(3), the eligible borrower must have incurred or is expected to incur covered losses such that the continued operations of the business are jeopardized, as determined by the Secretary.

(3) Federal Reserve programs or facilities and other loans or loan guarantees.—

(A) Terms and conditions.—

(i) Definition.—In this subparagraph, the term “direct loan” means a loan under a bilateral loan agreement that is entered into directly with an eligible business as borrower and that is not part of a syndicated loan, a loan originated by a financial institution in the ordinary
course of business, or a securities or capital markets transaction.

(ii) Prohibition on share repurchases.—The Secretary may make a loan, loan guarantee, or other investment under subsection (b)(4) as part of a program or facility that provides direct loans only if the relevant eligible businesses agree not to repurchase any outstanding equity interests while the direct loan is outstanding, except to the extent required under a contractual obligation in effect as of the date of enactment of this Act.

(iii) Waiver.—The Secretary may waive the requirement under clause (ii) with respect to any program or facility upon a determination that such waiver is not necessary to protect the interests of the Federal Government.

(B) Prohibition on loan forgiveness.—The principal amount of any obligation issued by an eligible business, State, or municipality that is acquired under a program or facility under paragraph (1), (2), (3), or (4) of sub-
section (b) shall not be reduced through loan
forgiveness.

(C) Federal Reserve Act taxpayer
protections and other requirements
apply.—For the avoidance of doubt, any appli-
cable requirements under section 13(3) of the
Federal Reserve Act (12 U.S.C. 343(3)), in-
cluding requirements relating to loan
collateralization, taxpayer protection, and bor-
rower solvency, shall apply with respect to any
obligation or other interest issued by an eligible
business, State, or municipality that is acquired
under a program or facility under subsection
(b)(4).

(d) Financial Protection of Government.—

(1) In general.—To the extent feasible and
practicable, the Secretary shall ensure that the com-
ensation of the Federal Government is commensu-
rate to the risk assumed in making loans and loan
guarantees under this section. The Secretary shall
liquidate any equity interests the Secretary acquires
under this section as soon as reasonably practicable,
consistent with maximizing returns to the Federal
Government. The Secretary shall not exercise voting
power with respect to any shares of common stock acquired under this section.

(2) GOVERNMENT PARTICIPATION IN GAINS.—If an eligible business receives a loan or loan guarantee under paragraphs (1), (2), or (3) of subsection (b), the Secretary is authorized to enter into contracts under which the Federal Government, contingent on the financial success of the eligible business, would participate in the gains of the eligible business or its security holders through the use of such instruments as warrants, stock options, common or preferred stock, or other appropriate equity instruments, provided that the Secretary shall not exercise voting power with respect to any shares of common stock so acquired.

(e) DEPOSIT OF PROCEEDS.—Amounts collected by the Secretary under this section, including the repayment of principal, proceeds of investments, earnings, and interest collected, shall be deposited as follows:

(1) Amounts collected under paragraphs (1) or (2) of subsection (b) shall be deposited in the Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 up to the amount of the difference between—
(A) the amount of deposits in such fund forecast in such fund’s budget for fiscal year 2020; and

(B) the amount deposited in such fund during fiscal year 2020.

(2) Amounts collected under paragraphs (3) or (4) of subsection (b) and any amount collected under paragraphs (1) or (2) of subsection (b) that is not deposited in the Airport and Airway Trust Fund under the preceding subparagraph, shall be deposited in the Treasury as miscellaneous receipts.

(f) ADMINISTRATIVE PROVISIONS.—Notwithstanding any other provision of law, the Secretary may use not greater than $100,000,000 of the funds made available under this section to pay costs and administrative expenses associated with the loans, loan guarantees, and other investments authorized under this section. The Secretary is authorized to take such actions as the Secretary deems necessary to carry out the authorities in this chapter, including, without limitation—

(1) using direct hiring authority to hire employees to administer this title;

(2) entering into contracts, including contracts for services authorized by this title;
(3) establishing vehicles that are authorized, subject to supervision by the Secretary, to purchase, hold, and sell assets and issue obligations; and

(4) issuing such regulations and other guidance as may be necessary or appropriate to carry out the authorities or purposes of this title.

(g) Financial Agents.—The Secretary is authorized to designate financial institutions, including but not limited to, depositories, brokers, dealers, and other institutions, as financial agents of the United States. Such institutions shall—

(1) perform all reasonable duties the Secretary determines necessary to respond to the coronavirus; and

(2) shall be paid for such duties using appropriations available to the Secretary to reimburse financial institutions in their capacity as financial agents of the United States.

(h) Loans Made by or Guaranteed by the Department of the Treasury Treated as Indebtedness for Tax Purposes.—

(1) In general.—Any loan made by or guaranteed by the Department of the Treasury under this section shall be treated as indebtedness for purposes of the Internal Revenue Code of 1986, shall be
treated as issued for its stated principal amount, and stated interest on such loans shall be treated as qualified stated interest.

(2) Regulations or Guidance.—The Secretary of the Treasury (or the Secretary’s delegate) shall prescribe such regulations or guidance as may be necessary or appropriate to carry out the purposes of this section, including guidance providing that the acquisition of warrants, stock options, common or preferred stock or other equity under this section does not result in an ownership change for purposes of section 382 of the Internal Revenue Code of 1986.

SEC. 4004. LIMITATION ON CERTAIN EMPLOYEE COMPENSATION.

(a) In General.—The Secretary may only enter into an agreement directly with an eligible business to make a loan or loan guarantee under paragraph (1), (2), or (3) of section 4003(b) if such agreement provides that, during the 2-year period beginning March 1, 2020, and ending March 1, 2022, no officer or employee of the eligible business whose total compensation exceeded $425,000 in calendar year 2019 (other than an employee whose compensation is determined through an existing collective bargaining agreement entered into prior to March 1, 2020)—
(1) will receive from the eligible business total compensation which exceeds, during any 12 consecutive months of such 2-year period, the total compensation received by the officer or employee from the eligible business in calendar year 2019; and

(2) will receive from the eligible business severance pay or other benefits upon termination of employment with the eligible business which exceeds twice the maximum total compensation received by the officer or employee from the eligible business in calendar year 2019.

(b) TOTAL COMPENSATION DEFINED.—In this section, the term “total compensation” includes salary, bonuses, awards of stock, and other financial benefits provided by an eligible business to an officer or employee of the eligible business.

SEC. 4005. CONTINUATION OF CERTAIN AIR SERVICE.

The Secretary of Transportation is authorized to require, to the extent reasonable and practicable, an air carrier receiving loans and loan guarantees under section 4003 to maintain scheduled air transportation service as the Secretary of Transportation deems necessary to ensure services to any point served by that carrier before March 1, 2020. When considering whether to exercise the authority granted by this section, the Secretary of Transpor-
tation shall take into consideration the air transportation needs of small and remote communities. The authority under this section, including any requirement issued by the Secretary under this section, shall terminate on March 1, 2022.

SEC. 4006. COORDINATION WITH SECRETARY OF TRANSPORTATION.

In implementing this title with respect to air carriers, the Secretary shall coordinate with the Secretary of Transportation.

SEC. 4007. SUSPENSION OF CERTAIN AVIATION EXCISE TAXES.

(a) TRANSPORTATION BY AIR.—In the case of any amount paid for transportation by air (including any amount treated as paid for transportation by air by reason of section 4261(e)(3) of the Internal Revenue Code of 1986) during the excise tax holiday period, no tax shall be imposed under section 4261 or 4271 of such Code. The preceding sentence shall not apply to amounts paid on or before the date of the enactment of this Act.

(b) USE OF KEROSENE IN COMMERCIAL AVIATION.—In the case of kerosene used in commercial aviation (as defined in section 4083 of the Internal Revenue Code of 1986) during the excise tax holiday period—
(1) no tax shall be imposed on such kerosene
under—

(A) section 4041(c) of the Internal Revenue Code of 1986, or

(B) section 4081 of such Code (other than at the rate provided in subsection (a)(2)(B) thereof), and

(2) section 6427(l) of such Code shall be applied—

(A) by treating such use as a nontaxable use, and

(B) without regard to paragraph (4)(A)(ii) thereof.

(e) EXCISE TAX HOLIDAY PERIOD.—For purposes of this section, the term “excise tax holiday period” means the period beginning after the date of the enactment of this section and ending before January 1, 2021.

SEC. 4008. TRANSACTION ACCOUNT GUARANTEE AUTHORITY.

(a) Section 1105 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5612) is amended—

(1) in subsection (f), by striking “shall not” and inserting “may”; and

(2) by adding at the end the following:
“(h) APPROVAL OF GUARANTEE PROGRAM DURING THE COVID-19 CRISIS.—For purposes of the congressional joint resolution of approval provided for in subsections (c)(1) and (2) and (d), notwithstanding any other provision of this section, the Federal Deposit Insurance Corporation is approved upon enactment of this Act to establish a program provided for in subsection (a) without a maximum guarantee provided that any such program and any such guarantee shall terminate not later than December 31, 2020.”.

(b) FEDERAL CREDIT UNION TRANSACTION ACCOUNT GUARANTEES.—Notwithstanding any other provision of law and in coordination with the Federal Deposit Insurance Corporation, the National Credit Union Administration Board may by a vote of the Board increase to unlimited, or such lower amount as the Board approves, the share insurance coverage provided by the National Credit Union Share Insurance Fund on any noninterest-bearing transaction account in any federally insured credit union without exception, provided that any such increase shall terminate not later than December 31, 2020.

SEC. 4009. TEMPORARY GOVERNMENT IN THE SUNSHINE ACT RELIEF.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other provision of law, if the
Chairman of the Board of Governors of the Federal Reserve System determines, in writing, that unusual and exigent circumstances exist, the Board may conduct meetings without regard to the requirements of section 552b of title 5, United States Code, during the period beginning on the date of enactment of this Act and ending on the earlier of—

(1) the date on which the public health emergency declared by the Secretary of Health and Human Services on January 31, 2020, under section 319 of the Public Health Service Act (42 U.S.C. 247d), terminates; or


(b) RECORDS.—The Board of Governors of the Federal Reserve System shall keep a record of all Board votes and the reasons for such votes during the period described in subsection (a).

SEC. 4010. TEMPORARY HIRING FLEXIBILITY.

(a) DEFINITION.—In this section, the term “covered period” means the period beginning on the date of enactment of this Act and ending on the sooner of—

(1) the termination date of the public health emergency declared by the Secretary of Health and Human Services on January 31, 2020, under section
319 of the Public Health Services Act (42 U.S.C. 247d) in response to COVID–19; or


(b) AUTHORITY.— During the covered period, the Secretary of Housing and Urban Development and the Securities and Exchange Commission may, without regard to sections 3309 through 3318 of title 5, United States Code, recruit and appoint candidates to fill temporary and term appointments within their respective agencies upon a determination that those expedited procedures are necessary and appropriate to enable the respective agencies to prevent, prepare for, or respond to COVID–19.

SEC. 4011. TEMPORARY LENDING LIMIT WAIVER.

(a) IN GENERAL.—Section 5200 of the Revised Statutes of the United States (12 U.S.C. 84) is amended—

(1) in subsection (c)(7)—

(A) by inserting “any nonbank financial company (as that term is defined in section 102 of the Financial Stability Act of 2010 (12 U.S.C. 5311)),” after “Loans or extensions of credit to”; and

(B) by striking “financial institution or to” and inserting “financial institution, or to”; and

(2) in subsection (d), by adding at the end of paragraph (1) the following: “The Comptroller of
the Currency may, by order, exempt any transaction
or series of transactions from the requirements of
this section upon a finding by the Comptroller that
such exemption is in the public interest and con-
sistent with the purposes of this section.”.

(b) EFFECTIVE PERIOD.—This section, and the
amendments made by this section, shall be effective during
the period beginning on the date of enactment of this Act
and ending on the sooner of—

(1) the termination date of the public health
emergency declared by the Secretary of Health and
Human Services on January 31, 2020, under section
319 of the Public Health Services Act (42 U.S.C.
247d) in response to COVID–19; or


SEC. 4012. TEMPORARY RELIEF FOR COMMUNITY BANKS.

(a) DEFINITIONS.—In this section—

(1) the term “appropriate Federal banking
agency” has the meaning given the term in section
2 of the Economic Growth, Regulatory Relief, and
Consumer Protection Act (12 U.S.C. 5365 note);

and

(2) the terms “Community Bank Leverage
Ratio” and “qualifying community bank” have the
meanings given the terms in section 201(a) of the

(b) INTERIM RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of law or regulation, the appropriate Federal banking agencies shall issue an interim final rule that provides that, for the purposes of section 201 of the Economic Growth, Regulatory Relief, and Consumer Protection Act (12 U.S.C. 5371 note)—

(A) the Community Bank Leverage Ratio shall be 8 percent; and

(B) a qualifying community bank that falls below the Community Bank Leverage Ratio established under subparagraph (A) shall have a reasonable grace period to satisfy the Community Bank Leverage Ratio.

(2) EFFECTIVE PERIOD.—The interim rule issued under paragraph (1) shall be effective during the period beginning on the date on which the appropriate Federal banking agencies issue the rule and ending on the sooner of—

(A) the termination date of the public health emergency declared by the Secretary of Health and Human Services on January 31, 2020, under section 319 of the Public Health
Services Act (42 U.S.C. 247d) in response to COVID–19; or
(B) December 31, 2020.

(c) Grace Period.—During a grace period described in paragraph (1)(B), a qualifying community bank to which the grace period applies may continue to be treated as a qualifying community bank and shall be presumed to satisfy the capital and leverage requirements described in section 201(c) of the Economic Growth, Regulatory Relief, and Consumer Protection Act (12 U.S.C. 5371 note).

SEC. 4013. TEMPORARY RELIEF FROM TROUBLED DEBT RESTRUCTURINGS.

(a) Definitions.—In this section:
(1) Applicable Period.—The term “applicable period” means the period beginning on March 1, 2020 and ending on the date 60 days after the date on which the public health emergency declared by the Secretary of Health and Human Services on January 31, 2020, under section 319 of the Public Health Service Act (42 U.S.C. 247d), terminates.
(2) Appropriate Federal Banking Agency.—The term “appropriate Federal banking agency”—
(A) has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(B) includes the National Credit Union Administration.

(b) SUSPENSION.—

(1) IN GENERAL.—During the applicable period, a financial institution may elect to—

(A) suspend the requirements under United States generally accepted accounting principles for loan modifications related to the coronavirus disease 2019 (COVID–19) pandemic that would otherwise be categorized as a troubled debt restructuring; and

(B) suspend any determination of a loan modified as a result of the effects of the coronavirus disease 2019 (COVID–19) pandemic as being a troubled debt restructuring, including impairment for accounting purposes.

(2) APPLICABILITY.—Any suspension under paragraph (1)—

(A) shall be applicable for the term of the loan modification, but solely with respect to any modification, including a forbearance arrangement, an interest rate modification, a repay-
ment plan, and any other similar arrangement that defers or delays the payment of principal or interest, that occurs during the applicable period for a loan that was not more than 30 days past due as of December 31, 2019; and

(B) shall not apply to any adverse impact on the credit of a borrower that is not related to the coronavirus disease 2019 (COVID–19) pandemic.

(c) DEFERENCE.—The appropriate Federal banking agency of the financial institution shall defer to the determination of the financial institution to make a suspension under this section.

(d) RECORDS.—For modified loans for which suspensions under subsection (a) apply—

(1) financial institutions should continue to maintain records of the volume of loans involved; and

(2) the appropriate Federal banking agencies may collect data about such loans for supervisory purposes.

SEC. 4014. OPTIONAL TEMPORARY RELIEF FROM CURRENT EXPECTED CREDIT LOSSES.

(a) DEFINITIONS.—In this section:
(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term “appropriate Federal banking agency”—

(A) has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(B) includes the National Credit Union Administration.

(2) INSURED DEPOSITORY INSTITUTION.—The term “insured depository institution”—

(A) has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(B) includes a federally insured credit union.

(b) TEMPORARY RELIEF FROM CECL STANDARDS.—Notwithstanding any other provision of law, no insured depository institution, bank holding company, or any affiliate thereof shall be required to comply with the Financial Accounting Standards Board Accounting Standards Update No. 2016–13 (“Measurement of Credit Losses on Financial Instruments”), including the current expected credit losses methodology for estimating allowances for credit losses, during the period beginning on the
date of enactment of this Act and ending on the earlier of—

(1) the date on which the public health emergency declared by the Secretary of Health and Human Services on January 31, 2020, under section 319 of the Public Health Service Act (42 U.S.C. 247d), terminates; or


SEC. 4015. NON-APPLICABILITY OF RESTRICTIONS ON ESF DURING NATIONAL EMERGENCY.

(a) In General.—Section 131 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5236) shall not apply during the period beginning on the date of enactment of this Act and ending on December 31, 2020. Any guarantee established as a result of the application of subsection (a) shall terminate not later than December 31, 2020.

(b) Direct Appropriation.—Upon the expiration of the period described in subsection (a), there is appropriated, out of amounts in the Treasury not otherwise appropriated, such sums as may be necessary to reimburse the fund established under section 5302(a)(1) of title 31, United States Code, for any funds that are used for the Treasury Money Market Funds Guaranty Program for the United States money market mutual fund industry to the
extent a claim payment made exceeds the balance of fees collected by the fund.

SEC. 4016. TEMPORARY CREDIT UNION PROVISIONS.

(a) In General.—

(1) Definitions.—Section 302(1) of the Federal Credit Union Act (12 U.S.C. 1795a(1)) is amended, in the matter preceding subparagraph (A), by striking “primarily serving natural persons”.

(2) Membership.—Section 304(b)(2) of the Federal Credit Union Act (12 U.S.C. 1795c(b)(2)) is amended by striking “all those credit unions” and inserting “such credit unions as the Board may in its discretion determine”.

(3) Extensions of Credit.—Section 306(a)(1) of the Federal Credit Union Act (12 U.S.C. 1795e(a)(1)) is amended, in the second sentence, by striking “the intent of which is to expand credit union portfolios” and inserting “without first having obtained evidence from the applicant that the applicant has made reasonable efforts to first use primary sources of liquidity of the applicant, including balance sheet and market funding sources, to address the liquidity needs of the applicant”.

(4) Powers of the Board.—Section 307(a)(4)(A) of the Federal Credit Union Act (12
U.S.C. 1795f(a)(4)(A)) is amended by inserting “,
provided that, the total face value of such obliga-
tions shall not exceed 16 times the subscribed cap-
ital stock and surplus of the Facility for the period
beginning on the date of enactment of the
Coronavirus Economic Stabilization Act of 2020 and
ending on December 31, 2020” after “Facility”.

(b) SUNSET.—

(1) IN GENERAL.—

(A) DEFINITIONS.—Section 302(1) of the
Federal Credit Union Act (12 U.S.C. 1795a(1))
is amended, in the matter preceding subpara-
graph (A), by inserting “primarily serving nat-
ural persons” after “credit unions”.

(B) MEMBERSHIP.—Section 304(b)(2) of
the Federal Credit Union Act (12 U.S.C.
1795c(b)(2)) is amended by striking “such
credit unions as the Board may in its discretion
determine” and inserting “all those credit
unions”.

(C) EXTENSIONS OF CREDIT.—Section
306(a)(1) of the Federal Credit Union Act (12
U.S.C. 1795e(a)(1)) is amended, in the second
sentence, by striking “without first having ob-
tained evidence from the applicant that the ap-
Applicant has made reasonable efforts to first use primary sources of liquidity of the applicant, including balance sheet and market funding sources, to address the liquidity needs of the applicant” and inserting “the intent of which is to expand credit union portfolios”.

(2) Effective Date.—The amendments made by paragraph (1) shall take effect on December 31, 2020.

SEC. 4017. INCREASING ACCESS TO MATERIALS NECESSARY FOR NATIONAL SECURITY AND PANDEMIC RECOVERY.

Notwithstanding any other provision of law—

(1) during the 2-year period beginning on the date of enactment of this Act, the requirements described in sections 303(a)(6)(C) and 304(e) of the Defense Production Act of 1950 (50 U.S.C. 4533(a)(6)(C), 4534(e)) shall not apply; and

(2) during the 1-year period beginning on the date of enactment of this Act, the requirements described in sections 302(d)(1) and 303 (a)(6)(B) of the Defense Production Act of 1950 (50 U.S.C. 4532(d)(1), 4533(a)(6)(B)) shall not apply.
SEC. 4018. REPORTS.

(a) SECRETARY.—The Secretary shall, with respect to the loans, loan guarantees, and other investments under paragraphs (1), (2), and (3) of section 4003(b), make such reports as are required under section 5302(c) of title 31, United States Code, provided that the names of applicable eligible businesses, States, and municipalities and the amounts of individual loans or loan guarantees may be disclosed on a delayed basis of up to 6 months, if necessary and appropriate to promote the stability of United States financial markets or the safety and soundness of eligible businesses, States, and municipalities.

(b) GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the loans, loan guarantees, and other investments provided under section 4003.

(2) REPORT.—Not later than 9 months after the date of enactment of this Act, and annually thereafter through the year succeeding the last year for which loans or loan guarantees provided under section 4003 are outstanding, the Comptroller General shall submit to the Committee on Banking, Housing and Urban Affairs, Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on the Budget of
the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on the Budget of the Senate a report on the loans and loan guarantees provided under section 4003.

SEC. 4019. DIRECT APPROPRIATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, there is appropriated, out of amounts in the Treasury not otherwise appropriated, to the fund established under section 5302(a)(1) of title 31, United States Code, $500,000,000,000 to carry out this title.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 5302(a) of title 31, United States Code, is amended—

(1) by striking “and” before “section 3”; and

(2) by inserting “and the Coronavirus Economic Stabilization Act of 2020,” before “and for investing”.

(c) CLARIFICATION.—

(1) IN GENERAL.—On January 1, 2021, any remaining funds made available under section 4003(b) may not be used—

(A) to make new loans, loan guarantees, or other investments; and
(B) except as provided in paragraph (2),
may not be used for any other purpose.

(2) DEFICIT REDUCTION.—Any funds described
in paragraph (1) shall be transferred to the general
fund of the Treasury to be used for deficit reduction.

SEC. 4020. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to allow the
Secretary to provide relief to eligible businesses, States,
and municipalities except in the form of loans, loan guar-
antees, and other investments as provided in this title and
under terms and conditions that are in the interest of the
Federal Government.

SEC. 4021. TERMINATION OF AUTHORITY.

(a) IN GENERAL.—Except as provided in subsection
(b), on December 31, 2020, the authority provided under
this title to make new loans, loan guarantees, or other in-
vestments shall terminate.

(b) OUTSTANDING.—Any loan, loan guarantee, or
other investment outstanding on the date described in sub-
section (a)—

(1) may be modified, restructured, or otherwise
amended; and

(2) may not be forgiven.

(c) DURATION.—The duration of any loan or loan
guarantee made under paragraph (1), (2), or (3) of section
4003(b) that is modified, restructured, or otherwise amended under subsection (b)(1) shall not be extended beyond 5 years from the initial origination date of the loan or loan guarantee.

**TITLE V—BUDGETARY PROVISIONS**

**SEC. 5001. EMERGENCY DESIGNATION.**

(a) In General.—The amounts provided under this division are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) Designation in Senate.—In the Senate, this division is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.