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# Senate Reaches Agreement on \$2 Trillion CARES Act Stimulus Legislation

March 26, 2020

Late in the evening of March 25, 2020, the United States Senate passed a \$2.2 trillion stimulus measure aimed at providing much-needed relief to the American people and businesses in response to the coronavirus (COVID-19) outbreak. The Coronavirus Aid, Relief, and Economic Security Act (CARES ACT) is the largest federal response in history and provides direct financial help to Americans; immediate assistance for hospitals, healthcare first responders, and patients; support for small businesses; and assistance for distressed industries.

With a deal struck in the Senate, the CARES Act will move to the House of Representatives, where Speaker Pelosi (D-CA) has indicated the House will move quickly to pass the measure. Once passed by the House, the Act is expected to be signed into law by the President, with relief flowing to individuals and businesses shortly thereafter.

The sweeping measure is not likely to be the last action that the Executive and Legislative branches will undertake to defeat the virus and its punishing impact on the health and economic well-being of the nation. Over the coming days and weeks, the Senate and House of Representatives will be working remotely on more measures to assist the American people who have been subject to personal and economic harm through no fault of their own.

## **Brief Summary**

The CARES Act includes many provisions to support American families, small businesses, and the economy while the nation works its way through the COVID-19 outbreak. Key provisions include the following:

- Ensures that all testing for COVID-19 is covered by private insurance plans, with free coverage of a vaccine within 15 days for COVID-19 when such a vaccine is available.
- For eligible small businesses, sole proprietors, independent contractors, and other self-employed individuals, the Act provides \$349 billion through federally backed loans under a modified and expanded Small Business Administration (SBA) 7(a) loan guaranty program. These loans can be used to pay for utilities, rent, mortgage, and payroll. Borrowers are eligible for loan forgiveness for the first 8 weeks of the loan. The Small Business Administrator has no more than 15 days after the date of enactment to issue regulations.
- The measure provides \$500 billion to the Department of Treasury's exchange stabilization fund for use in loans, loan guarantees, and other investments for distressed businesses that do not qualify for the small business relief. This includes direct lending of \$25 billion for passenger air carriers, \$4 billion for cargo air carriers, and \$17 billion for businesses determined to be important to national security. The remaining \$454 billion is eligible for direct lending to distressed businesses meeting specified criteria. These provisions also include prohibitions on recipients of relief engaging in stock buybacks, and all loans must be used to retain at least 90 percent of the workforce.
- For those who lost employment because of the pandemic, the measure provides robust unemployment insurance, including for self-employed, independent contractors, and those with limited work history. The assistance will include an additional \$600 per week for each recipient and provides an additional 13 weeks of benefits to those who remain unemployed after state unemployment benefits are no longer available.
- U.S. individual taxpayers with an adjusted gross income of up to \$75,000 (\$150,000 joint) are eligible for a full \$1,200 (\$2,400 joint) rebate, and an additional rebate of \$500 per child. Americans will not be required to do anything to receive a rebate check, as the IRS will use a taxpayer's 2019 tax return or their 2018 return if they have not yet filed. The rebate is reduced by \$5 for each \$100 of the taxpayer's income that exceeds \$75,000 and completely phases out at \$99,000.

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These and other relief and appropriation provisions are spread across 880 pages and various sections of the legislation. In the following pages, we provide a summary of each of these provisions, following the structure of the legislation. Please click on any of the links below to jump to the relevant section of the CARES Act.

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## Division A – Keeping Workers Paid and Employed, Health Care System Enhancements, and Economic Stabilization

### TITLE I – KEEPING AMERICAN WORKERS EMPLOYED AND PAID ACT

*Summary:* The CARES Act’s small business-related provisions increase the maximum loan amount available to small businesses through the Small Business Administration’s 7(a) loan guaranty program for employers that maintain payroll during the coronavirus pandemic. The proposed measures would provide for loan forgiveness; encourage entrepreneurial development; dedicate funds for Small Business Development Centers, Women’s Business Centers, and Minority Business Centers; waive fees; and provide for a process to authorize lending institutions that are not currently authorized to offer SBA loan products to do so during the duration of the President’s national emergency declaration.

#### **Sec. 1101. Definitions**

- Sets definitions for “Administration” and “Administrator” to refer to the Small Business Administration (SBA) and SBA Administrator, and for “small business concern.”

#### **Sec. 1102. Paycheck Protection Program**

- Provides for up to \$10 million in small business loans as part of the SBA’s 7(a) loan guaranty program during the covered period of February 15, 2020 through June 30, 2020. Accomplished through new paycheck protection loans administered through the Paycheck Protection Program.
- Authorizes \$349,000,000,000 in loan commitments for general business loans under the 7(a) loan guarantee program.
- Program generally defines eligible businesses as those with no more than 500 employees. Sole proprietors, independent contractors, and certain self-employed individuals are also included. Businesses with more than one physical location, but fewer than 500 employees at each site, in the accommodation and food services industries (i.e., classified as “Accommodation and Food Services” by NAICS), as well as tribal businesses described in section 31(b)(2)(C) of the Small Business Act with no more than 500 employees, also qualify.
- Unlike other SBA programs that are limited to for-profit businesses, the measure defines eligible businesses to include nonprofit organizations, which is limited to section 501(c)(3) organizations. “Veteran organizations,” as defined in section 501(c)(19) of the Internal Revenue Code, are separately referenced outside the definition of “nonprofit organization,” but are also considered eligible. The measure extends the SBA affiliation rules to nonprofits for purposes of determining whether an entity is small enough.
- The measure defines “employee” for purposes of determining whether a business employs fewer than 500 employees to include full-time, part-time, and other-basis employees.
- The maximum loan amount under the 7(a) loan guaranty program has been increased to \$10 million, and loaned funds may now be used for “payroll costs”; costs related to the continuation of group health care benefits, like paid sick, family, or medical leave; insurance premiums; salaries wages; commissions, cash, etc., compensation to sole proprietors or independent contractors (including commission-based compensation) up to \$100,000 in 1 year, prorated for the covered period; interest on any mortgage obligation; rent; utilities; and the interest on other debt obligations. “Payroll costs” does not include individual employee compensation in excess of a salary of \$100,000 per year, prorated for the covered period, compensation for an employee whose principal place of residence is outside the United States, certain taxes, and qualified sick and family leave subject to certain credits. Measure provides a formula for determining the size of the loan.
- Borrowers are required to certify that the uncertainty of current economic conditions makes the loan request necessary and acknowledge that funds will be used to retain workers and maintain payroll, and that the recipient does not have an application pending and has not received funding under this section for the same purpose and duplicative amounts. The

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eligibility criteria require lenders to determine whether the borrower was operational on February 15, 2020 and had employees (or independent contractors) to whom it paid salaries and for whom it paid payroll taxes.

- Waives the collateral and personal guarantee requirements under the program. Caps the interest rate at 4 percent.
- Provides a limitation on borrowers from receiving assistance and economic injury disaster loans through the SBA for the same purpose. EIDL loans made between January 31, 2020 and the date paycheck protection loans are available may be refinanced as part of a paycheck protection loan.
- Fees are waived for both borrowers and lenders. Waives any prepayment penalty.
- The bill provides for complete deferment of applicable loan payments for a period not less than 6 months and up to one year. The SBA has been required to issue guidance to lenders on the payment deferment process within 30 days.
- Includes a “sense of the Senate” for the SBA Administrator to issue guidance to lenders and agents to prioritize certain borrowers, including small businesses in underserved and rural markets, veterans, start-ups, and small businesses owned by women and social and economically disadvantaged individuals.
- Provides for up to \$1 million in small business loans through the SBA Express Loan program through December 31, 2020.

#### **Sec. 1103. Entrepreneurial development**

- Permits the SBA to provide financial grants to small business resource partners, like Small Business Development Centers and Women’s Business Centers, for education, training, and advising small businesses on accessing and applying for federal resources and business resiliency strategies to address the effects of COVID-19.
- Authorizes the SBA to award grants to associations or associations representing resource partners to develop online platforms for small businesses to access information and resources provided by the federal government for small businesses regarding COVID-19, and to provide training and education for small businesses.

#### **Sec. 1104. State Trade Expansion Program**

- Allows for federal grant funds supporting the State Trade Expansion Program in prior fiscal years to remain available through fiscal year 2021. Provides for reimbursement for financial losses relating to a foreign trade mission or a trade show exhibition that was cancelled solely due to the public health emergency declared due to COVID-19, as long as the reimbursement does not exceed the federal grant amount.

#### **Sec. 1105. Waiver of matching funds requirement under the Women’s Business Center program**

- Waives the requirement to obtain non-federal matching funds for the Women’s Business Center program for three months.

#### **Sec. 1106. Loan forgiveness**

- Section 7(a) loan guarantee program borrowers are eligible for loan forgiveness for an amount equal to the sum of payroll costs, mortgage interest payments, rent, and utilities for the eight-week period following the origination of the loan.
- The amount of funds eligible for forgiveness will be reduced for employers terminating employees and cutting wages during the covered period. Employers who rehire employees previously laid off will not be penalized for having a reduced payroll at the beginning of the covered period.
- Employers with tipped employees may receive forgiveness for additional wages paid to tipped employees.
- The SBA has been required to issue guidance on the loan forgiveness process within 30 days.

#### **Sec. 1107. Direct appropriations**

- Provides for nearly \$350 billion in federally guaranteed loans, as well as additional funds to support the SBA, Small Business Development Centers, Women’s Business Centers, and Minority Business Centers; resources for partner

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associations; and funds for the Office of the Inspector General. This includes \$675,000,000 to cover salaries and expenses at the SBA.

**Sec. 1108. Minority Business Development Agency**

- Sets definitions for “Agency” [Minority Business Development Agency], “minority business center,” “minority business enterprise,” and “minority chamber of commerce.”
- Dedicates \$10 million for the Minority Business Development Agency to provide grants to Minority Business Centers.
- Waives any matching requirement imposed on a Minority Business Center for three months.

**Sec. 1109. United States Treasury Management Authority**

- Authorizes the Department of Treasury, in consultation with the Farm Credit Administration, and other financial regulatory agencies, to authorize additional lending institutions to provide SBA paycheck protection loans for the duration of the President’s national emergency declaration.
- Provides the Department of the Treasury the authority to issue regulations and guidance on lender compensation, underwriting standards, interest rates, and loan maturity.
- Lenders authorized to provide loans under the SBA’s 7(a) loan guarantee program can opt in to participate in the Paycheck Protection Program.

**Sec. 1110. Emergency EIDL grants**

- Authorizes \$10 billion in small business loans as part of the SBA’s economy injury disaster loan (EIDL) program.
- Sets the definition for “covered period” to be from January 31, 2020 through December 31, 2020; the definition of “eligible entity” as small businesses, private nonprofit organizations, and small agricultural cooperatives; and the definition of “eligible entities,” which includes businesses with fewer than 500 employees, sole proprietors, independent contractors, cooperatives or ESOPs with fewer than 500 employees, and tribal businesses described in section 31(b)(2)(C) of the Small Business Act with no more than 500 employees.
- Can request an advance on the loan up to \$10,000, which will be distributed by the SBA within three days after application submission. There is no requirement to repay an advance, even if denied a loan. Such advances may be used to provide paid sick leave to employees; maintain payroll; address increased costs to obtain materials, and rent and mortgage payments; and repay obligations unmet due to revenue loss. The advance amount will be reduced from the loan forgiveness amount for recipients who transfers into, or is approved for, the loan program under section 7(a).

**Sec. 1111. Resources and services in languages other than English**

- SBA required to provide resources and services in the 10 most commonly spoken languages, other than English, in the United States (i.e., Mandarin, Cantonese, Japanese, Korean).

**Sec. 1112. Subsidy for certain loan payments**

- SBA will pay the principal, interest, and fees for six months for certain covered loans, including under the 7(a) loan guaranty program that originated before the enactment date of the measure, but excluding the Paycheck Protection Program.

**Sec. 1113. Bankruptcy**

- The measure makes amendments to the Small Business Reorganization Act to increase the eligibility thresholds for filing under Chapter 11, subchapter V of the U.S. Bankruptcy Code to businesses with less than \$7,500,000 in debt. The provision reverts to the original threshold after one year.

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- Amends the definition of income in the U.S. Bankruptcy Code for Chapters 7 and 13 to exclude COVID-19-related payments from income for bankruptcy purposes.
  - Permits individuals and families currently in Chapter 13 to seek payment plan modification due to material financial hardship from the COVID-19 pandemic.

**Sec. 1114. Emergency rulemaking authority**

- SBA required to issue rules within 15 days after enactment.

## **TITLE II – ASSISTANCE FOR AMERICAN WORKERS, FAMILIES, AND BUSINESSES**

### **Subtitle A – Unemployment Insurance Provisions**

*Summary:* The CARES Act’s unemployment insurance provisions provide additional benefits assistance to individuals unable to qualify for other unemployment compensation and establish new federal-state programs to cover the first week of unemployment compensation, portions of short-time compensation, and additional funding under the Railroad Unemployment Insurance Act.

**Sec. 2101. Short title**

- This section is called “Relief for Workers Affected by Coronavirus Act.”

**Sec. 2102. Pandemic Unemployment Assistance**

- Sets definition for “COVID-19,” “COVID-19 public health emergency,” “covered individual,” “Secretary” [meaning the Secretary of Labor], and “State.”
- Provides benefits assistance to any covered individual, if the individual is not entitled to any other unemployment compensation, while the individual is unemployed, partially unemployed, or unable to work. The assistance is limited to 39 weeks and will begin on January 27, 2020 and end December 2020, as long as the covered individual’s unemployment, partial unemployment, or inability to work caused by COVID-19 continues. The assistance can be extended if the Secretary extends the benefits period.
- The amount of unemployment assistance is equal to the individual’s state weekly benefit amount and the amount of Federal Pandemic Unemployment Compensation under section 2104.
- Broadly defines a covered individual as an individual who is not eligible for regular compensation or extended benefits under state or federal law and provides self-certification that the individual is able and available to work, but is unemployed or unable to work because
  - the individual has been diagnosed with COVID-19 or is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
  - a member of the individual’s household has been diagnosed with COVID-19;
  - the individual is providing care for a family member diagnosed with COVID-19;
  - a person in the household is unable to attend school or another facility that is closed as a direct result of the COVID-19 public health emergency;
  - the individual is unable to reach the place of employment because of a quarantine imposed as a direct result of a COVID-19 outbreak or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
  - the individual was scheduled to begin employment and is no longer employed or is unable to reach the job as a direct result of a COVID-19 outbreak;

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- 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;
  - the individual must quit their job as a direct result of COVID-19;
  - the individual's place of employment is closed as a direct result of COVID-19; or
  - the individual is self-employed, 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.
- The Secretary will use funds from the extended unemployment compensation account to make payments to states to provide these benefits. Funds from the employment security administration account will be made to the states to cover administrative expenses.

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

- Permits the Secretary of Labor to issue guidance allowing states to interpret their state unemployment compensation laws to provide maximum flexibility in reimbursing employers.
- Provides for payments to states to reimburse governmental entities and certain nonprofit organizations for half of their costs incurred through December 31, 2020 to pay for unemployment benefits.

**Sec. 2104. Emergency increase in unemployment compensation benefits**

- Provides for federal-state agreements that provide a recipient of unemployment compensation from a state with an additional \$600 per week in "Federal Pandemic Unemployment Compensation."
- Under the agreement, the federal government provides the entire amount of Federal Pandemic Unemployment Compensation paid to individuals by the state and any additional administrative expenses incurred by the state to administer the additional compensation.
- Establishes provisions to address fraud and to process for overpayment of funds.

**Sec. 2105. Temporary full federal funding of the first week of compensable regular unemployment for states with no waiting week**

- Provides for federal-state agreements where the federal government pays the first week of regular compensation for states that elect to pay recipients as soon as they become unemployed. States are eligible to enter into an agreement if state law does not apply a waiting week.
- Under the agreement, the federal government provides the entire amount of funds. Establishes provisions to address fraud and overpayment.

**Sec. 2106. Emergency State staffing flexibility**

- Makes amendments to and adds language related to the emergency flexibility for personnel standards on a merit basis to encourage quick processing of applications and claims of unemployment insurance.

**Sec. 2107. Pandemic emergency unemployment compensation**

- Provides for federal-state agreements where the state provides pandemic emergency unemployment compensation where individuals have exhausted rights to regular unemployment compensation under state or federal law, but are able to work, available to work, and actively seeking work.
- Requires the Secretary of Labor to establish for each state a minimum number of claims for which work search records must be audited.
- State is required to provide flexibility in meeting the requirements for individuals unable to search for work because of COVID-19, including because of illness, quarantine, or movement restriction.



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- Under the agreement, the federal government provides the entire amount of funds. Establishes provisions to address fraud and overpayment.

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

- Sets definitions for “Secretary” [Secretary of Labor], “State,” “State Agency,” and “State Law.”
- Provides for federal financing of short-term compensation payments for states that provide such a program. Prohibits payment for benefits paid for an individual employed by the participating employer on a seasonal, temporary, or intermittent basis.
- Permits new programs passed by states to qualify for temporary financing. Program ends on December 31, 2020.

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

- Provides for federal-state agreements where the state does not currently provide payment of short-time compensation. Employers are required to pay one-half of the short-time compensation paid under the plan, and the agreement is not applicable for payment of benefits paid for an individual employed by the participating employer on a seasonal, temporary, or intermittent basis.
- States shall be paid one-half of the short-time compensation paid to individuals by the state and additional funds to cover administrative costs. Program ends on December 31, 2020.

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

- Permits the Secretary of Labor to award grants to states that enact short-time compensation programs.
- Appropriates \$100 million for the grant program.

**Sec. 2111. Assistance and guidance in implementing programs**

- To assist states in establishing, qualifying, and implementing short-time compensation programs, the Secretary of Labor is required to develop model legislative language, or share existing model language, for states to develop and enact such programs locally, to provide technical assistance and guidance on creating and implementing short-time compensation programs, and to establishing reporting requirements for states.

**Sec. 2112. Waiver of the 7-day waiting period for benefits under the Railroad Unemployment Insurance Act**

- Measure waives the 7-day waiting period for benefits under the Railroad Unemployment Insurance Act and authorizes the Railroad Retirement Board to prescribe operating instructions or promulgate regulations to effectuate the waiver.

**Sec. 2113. Enhanced benefits under the Railroad Unemployment Insurance Act**

- Beginning during the registration period from April 1, 2020 through July 31, 2020, qualified employees shall receive a recovery benefit of \$1,200 per registration period in which the employee received unemployment benefits, or did not receive benefits due to certain limitations.

**Sec. 2114. Extended unemployment benefits under the Railroad Unemployment Insurance Act**

- Updates the applicability time period for extended employment benefits under the Railroad Unemployment Insurance Act. This section provides for an additional 13 weeks of unemployment benefits through December 31, 2020.

**Sec. 2115. Funding for the DOL Office of the Inspector General for Oversight of Unemployment Provision**

- Provides the DOL Office of the Inspector General \$25 million to effectuate oversight of the unemployment provisions through audits, investigation, and related oversight.



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**Sec. 2116. Implementation**

- This section waives the Paperwork Reduction Act requirements and provides the Secretary of Labor the authority to issue guidance in order to implement these provisions.

**Subtitle B – Rebates and Other Individual Provisions**

*Summary:* The CARES Act's assistance to individuals and businesses provides individuals with a rebate credit and provides businesses with tax relief. The measures would provide every American up to \$1,200 and, if they have a child, an additional \$500 per child. The Act also allows American to withdraw up to \$100,000 of income due to COVID-19 distributions.

**Sec. 2201. 2020 recovery rebates for individuals**

- Provides a tax credit of \$1,200 for individuals who are not a dependent of another taxpayer and who have a work-eligible social security number. This amount will be increased by \$500 for every qualifying child.
- The rebate amount is reduced by \$5 for every \$100 of the taxpayer's income that exceeds \$150,000 for joint filers, \$112,500 for head of household, and \$75,000 for any other taxpayer.
- The rebate amount is based on an individual's 2019 tax return. For those who have not yet filed 2019 tax returns, the amount is based on 2018 taxes. If a tax return was not filed for 2018, the Secretary will use information provided in Form SSA-1099, Social Security Benefit Statement, with respect to such individual for calendar year 2019.
- The amount is completely phased out for single filers with incomes exceeding \$99,000, \$146,500 for head of household filers with one child, and \$198,000 for joint filers with no children.
- Eligible individuals do not include nonresident aliens, individuals eligible for 151 personal exemptions, estates, or trusts.
- The funds appropriated for the legislation are drawn from money in the Treasury that is not otherwise appropriated for the fiscal year ending September 30, 2020.

**Sec. 2202. Special rules for use of retirement funds**

- Waives the 10 percent early withdrawal penalty for any coronavirus-related distribution up to \$100,000; income from the distribution will be taxed over three years, beginning on the date the distribution was received. Individuals may repay the distribution over three years without triggering that year's cap on contributions.
- A "coronavirus related distribution" means any distribution from an eligible retirement made on or after January 1, 2020 and before December 31, 2020; and made to an individual diagnosed with the virus (by a CDC-approved test), or whose spouse or dependent is diagnosed with the virus; who experiences adverse financial consequences as a result of quarantine, furlough, or layoff; who experiences a reduction in hours or inability to work due to lack of childcare; or because of other factors determined by the Secretary of Treasury.
- Provides for an increase in plan loan limits from \$50,000 to \$100,000. This increase will not be treated as a qualified distribution and delays repayment for loans due between enactment and December 31, 2020 for one year.

**Sec. 2203. Temporary waiver of required minimum distribution rules for certain retirement plans and accounts**

- Temporarily waives the required minimum distribution rules for certain retirement plans and accounts, including 403 (a) and 403 (b) defined contribution plans, 457 (b) defined contribution plans (if the plan is maintained by a 457 (e)(1)(A) employer), and individual retirement plans.

**Sec. 2204. Allowance of partial above-the-line deduction for charitable contributions**

- Eligible taxpayers can deduct up to \$300 of cash charitable contributions beginning in 2019. This includes taxpayers who do not itemize their deductions.

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**Sec. 2205. Modification of limitations on charitable contributions during 2020**

- Modifies for tax year 2020 the limitations on charitable contributions for individuals who itemize their contributions and corporations as follows:
  - For individuals the limitation is suspended.
  - For corporations the limitation is increased to 25 percent of taxable income.

**Sec. 2206. Exclusion for certain employer payments of student loans**

- Allows employers to provide a tax-free student loan repayment benefit to employees. The provision applies to any student loan payments made by an employer on behalf of an employee after date of enactment and before January 1, 2021.

**Subtitle C – Business Provisions****Sec. 2301. Employee retention credit for employers subject to closure due to COVID-19**

- Provides a refundable payroll tax credit of 50 percent of qualified wages for each calendar quarter. The amount of qualified wages taken into account should not exceed \$10,000, including health benefits, paid to an eligible employee, and the credit is provided for wages paid or incurred from March 13, 2020 through December 31, 2020.
- For eligible employers with more than 100 full-time employees, qualified wages are wages paid to employees when they are not providing services due to the COVID-19-related circumstances. For eligible employers with 100 or fewer full-time employees, all employee wages qualify for the credit.

**Sec. 2302. Delay of payment of employer payroll taxes**

- Employer payroll taxes are deferred, with half of the amount required to be paid by December 31, 2021 and the other half by December 31, 2022. The delay does not apply for businesses that have had indebtedness forgiven under section 1105 of the legislation with respect to a loan under section 7(a) of the Small Business Act. The Social Security Trust Funds will be held harmless.

**Sec. 2303. Modifications for net operating losses**

- Relaxes the limitations on a company's use of operating losses in previous years by providing that a loss from 2018, 2019, or 2020 can be carried back by five years preceding the loss, allowing the taxpayer to apply the net operating loss against any taxable income to get a tax refund, and by removing the taxable income limitation to allow net operating losses (NOLs) to fully offset income.

**Sec. 2304. Modification of limitation on losses for taxpayers other than corporations**

- Modifies the limitation on losses for taxpayers other than corporations such that the net operating loss carryback rules described above in Sec. 2303 also apply to these noncorporate taxpayers.

**Sec. 2305. Modification of credit for prior-year minimum tax liability of corporations**

- Accelerates the corporate alternative minimum tax credit.

**Sec. 2306. Modification of limitation on business interest**

- Increases the amount of interest expenses businesses can deduct for tax years 2019 and 2020 from 30 percent to 50 percent. Businesses may also elect to use 2019 income for taxable years beginning in 2020.

**Sec. 2307. Technical amendments regarding qualified improvement property**

- Businesses can immediately write off costs associated with improving facilities.

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**Sec. 2308. Temporary exception from excise tax for alcohol used to produce hand sanitizer**

- Waives the federal excise tax on any distilled spirits used for or contained in hand sanitizer that is produced and distributed in a manner consistent with guidance issued by the Food and Drug Administration and is effective for calendar year 2020. This provision applies to distilled spirits removed after December 31, 2019.

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

*Summary:* The health care response division of the CARES ACT contains wide-ranging provisions on health, education, and labor. In the health provisions, the bill seeks to prevent medical product and emergency drug shortages during the COVID-19 emergency. The bill also prohibits cost-sharing health care insurers from imposing any cost-sharing (including deductibles, copayments, and coinsurance) requirements or prior authorization requirements for COVID-19 diagnostic testing and related services. Among other things, it provides additional support for health care providers, including limiting liability for volunteer health care professionals during the COVID-19 emergency response.

The education-related provisions, known as the “COVID-19 Pandemic Education Relief Act of 2020,” provide various forms of relief and assistance to students (and graduates) of institutions of higher education. Federal student loan payments are suspended through September 30, 2020, and during the suspension period interest shall not accrue. Institutions of higher education are also allowed to use a portion of their federal Supplemental Educational Opportunity Grant allocations to award grants to undergraduate or graduate students facing “unexpected expenses and unmet financial need” resulting from a qualifying emergency, such as the current COVID-19 pandemic.

The labor-related provisions set limits on the amount that employers must pay for employees on sick and medical leave for various reasons related to the COVID-19 pandemic and expand the Secretary of Labor’s authority to exempt small businesses with fewer than 50 employees from paid leave requirements.

**Subtitle A—Health Provisions****PART I—ADDRESSING SUPPLY SHORTAGES****Sec. 3001. Short title**

- Known as the “Coronavirus Aid, Relief, and Economic Security Act.”

**SUBPART A—MEDICAL PRODUCT SUPPLIES****Sec. 3101. National Academies report on America’s medical product supply chain security**

- Requires the National Academies to draft and submit a report to Congress examining the security of America’s supply chains for medical products (critical drugs and devices) and provides recommendations for improving supply chains for critical drugs and devices.

**Sec. 3102. Requiring the Strategic National Stockpile to include certain types of medical supplies**

- Requires the Strategic National Stockpile to include certain types of medical supplies, specifically: 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.

**Sec. 3103. Treatment of respiratory protective devices as covered countermeasures**

- Manufacturers of personal respiratory protective equipment (such as certain types of masks and ventilators) are granted liability protection to incentivize the production and distribution of these devices. The equipment must be respiratory

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protective devices approved by the National Institute for Occupational Safety and Health and that the Secretary determines to be a priority for use during a public health emergency.

## **SUBPART B—MITIGATING EMERGENCY DRUG SHORTAGES**

### **Sec. 3111. Prioritize reviews of drug applications; incentives**

- The Food and Drug Administration (FDA) must “prioritize” and “expedite” the review of drug applications and inspections to prevent or mitigate a drug shortage.

### **Sec. 3112. Additional manufacturer reporting requirements in response to drug shortages**

- Drug manufacturers of any drug that is critical to the public health during a public health emergency declared by the Secretary under the Public Health Service Act must submit additional information when there is an interruption in the supply of that drug, including information about active pharmaceutical ingredients, when active pharmaceutical ingredients are the cause of the interruption.
- Requires manufacturers to maintain contingency plans to ensure a back-up supply of products.

## **SUBPART C—PREVENTING MEDICAL DEVICE SHORTAGES**

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

- Manufacturers of medical devices that are critical to public health during a public health emergency must notify the FDA Secretary of any permanent discontinuance in the manufacture 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. If the FDA Secretary determines it to be appropriate, FDA should distribute this information to appropriate organizations, including physicians, health providers, patient organizations, and supply chain partners.
- The FDA must establish and maintain an up-to-date list of devices that are determined by the Secretary to be in shortage in the United States. This list shall be made publicly available, except for confidential or trade secret information or 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).

## **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**

- Private health insurance plans are prohibited from imposing any cost-sharing (including deductibles, copayments, and coinsurance) requirements or prior authorization or other medical management requirements, for COVID-19 diagnostic testing, including those tests without an Emergency Use Authorization from the FDA, and services related to the administration of such tests.

#### **Sec. 3202. Pricing of diagnostic testing**

- Sets reimbursement rates for COVID-19 testing covered with no cost to patients by requiring an insurer to pay either the rate specified in a contract between the provider and the insurer or, if there is no contract, a cash price posted by the provider, or the insurer may negotiate a rate with the provider that is less than the posted cash price.
- Any provider of a diagnostic test for COVID-19 must make public the cash price for such a test on the provider’s public internet website.

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**Sec. 3203. Rapid coverage of preventive services and vaccines for coronavirus**

- Group health plans and health insurance issuers offering group or individual health insurance must provide free coverage without cost-sharing for any qualifying COVID-19 preventative service.
- “Qualifying coronavirus preventative service” means an item, service, or immunization that is intended to prevent or mitigate COVID-19 and is either an evidence-based item or service with a certain rating by the United States Preventive Services Task Force or an immunization that has in effect a recommendation from the Advisory Committee on Immunization Practices of the CDC.

**SUBPART B—SUPPORT FOR HEALTH CARE PROVIDERS****Sec. 3211. Supplemental awards for health centers**

- Provides \$1.32 billion in supplemental funding to community health centers that are testing and treating patients for COVID-19 (or for detection of SARS-CoV-2).

**Sec. 3212. Telehealth network and telehealth resource centers grant programs**

- Reauthorizes Health Resources and Services Administration (HRSA) grant programs that promote the use of telehealth technologies.

**Sec. 3213. Rural health care services outreach, rural health network development, and small health care provider quality improvement grant programs**

- Reauthorizes HRSA grant programs that are dedicated to increasing health care access and outcomes in rural communities.

**Sec. 3214. United States Public Health Service Modernization**

- Establishes a “Ready Reserve Corps” for public health personnel for emergency response missions.

**Sec. 3215. Limitation on liability for volunteer health care professionals during COVID-19 emergency response**

- Health care professionals who provide volunteer medical services during the COVID-19 public health emergency have liability protections for the provision of health care services related to the diagnosis, prevention, or treatment of COVID-19.

**Sec. 3216. Flexibility for members of National Health Service Corps during emergency period**

- During the COVID-19 public health emergency, the Secretary of HHS may assign members of the National Health Service Corps (with the agreement of such corps members) to provide health services at locations or hours that are different from their original assignments, as the Secretary determines is necessary to respond to the public health emergency.

**SUBPART C—MISCELLANEOUS PROVISIONS****Sec. 3221. Confidentiality and disclosure of records relating to substance use disorder**

- Aligns 42 CFR Part 2 regulations, which govern the confidentiality and sharing of substance use disorder treatment records, with the Health Insurance Portability and Accountability Act (HIPAA).

**Sec. 3222. Nutrition services**

- During the COVID-19 public health emergency, Older Americans Act (OAA) meal programs are provided with waivers of nutrition requirements. For home-delivered nutrition services, an individual who is unable to obtain nutrition because that person is practicing social distancing due to the emergency is considered the same as an individual who is homebound by reason of illness.

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**Sec. 3223. Continuity of service and opportunities for participants in community service activities under title V of the Older Americans Act of 1965**

- To ensure continuity of service and opportunities for participants in community service activities, this provision allows the Secretary of Labor to extend the participation period, increase the average participation cap, and increase the amount available to pay for a project's administrative costs, as may be necessary to respond to the COVID-19 public health emergency.

**Sec. 3224. Guidance on protected health information**

- Within 180 days of passage of the Act, the Secretary of Health and Human Services must issue guidance on the sharing of patients' protected health information during the COVID-19 public health emergency.

**Sec. 3225. Reauthorization of the Healthy Start program**

- Reauthorizes Healthy Start, which is a program that provides grants with the purpose of improving access and health outcomes for women and their families.
- Requires the GAO to submit to Congress an independent evaluation and report concerning the Healthy Start program.

**Sec. 3226. Importance of the blood supply**

- Requires the Secretary of Health and Human Services to roll 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 COVID-19 public health emergency.
- Additionally requires the HHS Secretary to submit a report to Congress detailing the activities described above, the trends in blood supply donations, and an evaluation of the impact of the public awareness campaign.

**PART III— Innovation**

**Sec. 3301. Removing the cap on OTAs during public health emergencies**

- Removes the cap on other transaction authorities (OTAs), which are a type of flexible, strategic partnership between the government and industry used by the Biomedical Advanced Research and Development Authority (BARDA), for the purposes of a public health emergency.

**Sec. 3302. Priority zoonotic animal drugs**

- Provides the Secretary of HHS with the authority to 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 one 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.

**PART IV—HEALTH CARE WORKFORCE**

**Sec. 3401. Reauthorization of health professions workforce programs**

- Reauthorizes and provides funds for health professions workforce programs, including programs that provide grants for the purpose of assisting schools by supporting programs of excellence in health professions education for underrepresented minority individuals and grants for scholarships to disadvantaged students.

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**Sec. 3402. Health workforce coordination**

- Requires the Secretary of HHS, in consultation with the Advisory Committee on Training in Primary Care Medicine and Dentistry and the Advisory Council on Graduate Medical Education, to develop a comprehensive and coordinated plan with respect to HHS health care workforce development programs, including education and training programs. The plan must identify any gaps between the outcomes of the health care workforce development programs and the projected health care workforce needs. The HHS Secretary must submit this plan to Congress.

**Sec. 3403. Education and training relating to geriatrics**

- Requires the HHS Secretary to award grants for the establishment or operation of Geriatrics Workforce Enhancement Programs, which will support the training of health professionals in geriatrics, including traineeships or fellowships.

**Sec. 3404. Nursing workforce development**

- Clarifies the purpose of funds allocated for nursing workforce development to include addressing national nursing challenges, including through training and education of nursing students related to the distribution of the nursing workforce and existing or projected shortages and by supporting the training of professional registered nurses.
- Requires the Comptroller General to submit to Congress a report that evaluates the nurse loan repayment programs administered by the Health Resources and Services Administration.

**Subtitle B – Education Provisions****Sec. 3501. Short Title**

- Title II is known as the “COVID-19 Pandemic Education Relief Act of 2020.”

**Sec. 3502. Definitions**

- Sets definitions for “Coronavirus,” “Foreign Institution,” “Institution of Higher Education,” “Qualifying Emergency,” and “Secretary.”

**Sec. 3503. Campus-based aid and waivers**

- Institutions of higher education need not match federal funds provided under the campus-based aid programs. This does not affect the non-federal share requirement applicable to private for-profit organizations under Section 443(c)(3) of the Higher Education Act of 1965.
- Institutions of higher education may reallocate up to 100 percent of their unexpended federal work-study allotments to be used for the supplemental grants section 413D of the Higher Education Act of 1965.

**Sec. 3504. Use of supplemental educational opportunity grants for emergency aid**

- Institutions of higher education may use a portion of their federal Supplemental Educational Opportunity Grant allocations to award grants to undergraduate or graduate students facing “unexpected expenses and unmet financial need” resulting from a qualifying emergency. Institutions are given three different options for determining eligibility for and awarding emergency financial aid grants.

**Sec. 3505. Federal work-study during a qualifying emergency**

- Higher education institutions are authorized to make payments to work-study students who are unable to fulfill their work-study obligations because of COVID-19. Payment may take the form of a one-time grant or multiple payments.



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**Sec. 3506. Adjustment of subsidized loan usage limits**

- For students who are unable to complete a semester because of COVID-19, the semester that the student failed to complete will not count toward the student's period of enrollment for purposes of lifetime subsidized loan eligibility.

**Sec. 3507. Exclusion from federal Pell grant duration limit**

- For students who are unable to remain enrolled in school because of COVID-19, the semester that the student failed to complete will not count toward the student's lifetime Pell grant eligibility.

**Sec. 3508. Institutional refunds and federal student loan flexibility**

- If a student is unable to remain enrolled in school because of COVID-19, the institution need not include the amount of grant or loan assistance paid to that student when determining amounts that the institution must return to the Secretary under the Higher Education Act of 1965. Institutions of higher education taking advantage of this waiver must submit detailed reports to the Secretary.
- Students who are unable to remain enrolled in school because of COVID-19 are not required to repay associated portions of Pell grants or other loan assistance.
- Higher education institutions are authorized to approve a leave of absence for any student who is unable to remain enrolled in school because of COVID-19.

**Sec. 3509. Satisfactory academic progress**

- If a student fails to complete attempted credits because of a qualifying emergency, the student's grades associated with those credits will not be considered when determining whether he or she satisfies the academic requirements to qualify for Pell grants or student loans.

**Sec. 3510. Continuing education at affected foreign institutions**

- If there is a public health emergency, major disaster or emergency, or national emergency in another country, foreign institutions in that country may offer distance learning to U.S. students who receive funds under Title IV of the Higher Education Act for the duration of the emergency or disaster. The Secretary of Education must prepare a report identifying each foreign institution that takes advantage of this option.

**Sec. 3511. National emergency educational waivers**

- Upon the request of a state educational agency, Indian tribe, or local educational agency, the Secretary of Education is authorized to provide waivers of the statutory and regulatory requirements under the Elementary and Secondary Education Act of 1965 and the General Educational Provisions Act, with the exception of civil rights laws, if the Secretary determines that such waivers are "necessary and appropriate" in light of COVID-19. Such waivers may also apply to public charter schools.
- Waivers approved by the Secretary under this section generally may not exceed the 2019-2020 academic year.
- Information regarding waiver requests and the process for commenting must be posted on the relevant state website.
- Within 30 days, the Secretary is also required to prepare a report recommending additional waivers under the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Elementary and Secondary Education Act of 1965, and the Carl D. Perkins Career and Technical Education Act of 2006, that the Secretary believes are necessary to help states and local educational agencies meet the needs of students in response to the COVID-19 emergency.

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**Sec. 3512. HBCU capital financing**

- The Secretary of Education may grant a deferment for payments due on HBCU Capital Financing Loans for the duration of the COVID-19 disaster declaration.
- During the deferment period, the Secretary is required to make all principal and interest payments otherwise due under the loan agreement. Institutions are not required to begin repayment of the payments made by the Secretary until at least one full fiscal year after the end of the COVID-19 emergency.
- \$62,000,000 is appropriated out of any money in the Treasury not otherwise appropriated to carry out this section.

**Sec. 3513. Temporary relief for federal student loan borrowers**

- Federal student loan payments are suspended through September 30, 2020. During the suspension period, interest shall not accrue. For purposes of federal loan forgiveness programs, loan rehabilitation programs, and reporting to consumer reporting agencies, the Secretary shall treat each month for which loan payments were suspended as if the borrower had made payments.
- During the suspension period, all involuntary collection, including wage garnishment and reduction of tax refunds, is also suspended.
- The Secretary must notify borrowers when loan payments are suspended and when payment obligations resume.

**Sec. 3514. Provisions related to the Corporation for National and Community Service**

- Participants serving in the National Service Corps programs whose service is limited or suspended because of COVID-19 shall be allowed to accrue hours that will count toward the total number of hours needed for that individual's educational award.
- The Corporation for National and Community Service may extend the term of service for up to one year after the national emergency and may waive applicable age limits to allow individuals to return to service after the emergency ends. However, in no case shall the maximum age exceed 26 years of age.

**Sec. 3515. Workforce response activities**

- To respond to the COVID-19 national emergency, local areas are given increased flexibility to use funding provided under the Workforce Innovation and Opportunity Act for administrative costs of carrying out local workforce investment activities.
- State governors are given authority to use previously unobligated workforce investment funding provided under the Workforce Innovation and Opportunity Act for statewide rapid response efforts to address COVID-19.

**Sec. 3516. Technical amendments**

- Amends sections of the FUTURE Act (Public Law 116-91) in order to assist federal student loan recipients and facilitate implementation.

**Sec. 3517. Waiver authority and reporting requirement for institutional aid**

- The Secretary is authorized to waive certain eligibility data requirements, wait-out periods, allotment requirements and restrictions, grant requirements for master's degree programs at historically Black colleges and universities and predominantly Black institutions, and federal funding requirements for professional and graduate institutions.
- The Secretary is authorized to waive or modify any statutory or regulatory provisions as necessary to ensure that institutions receiving federal assistance under the Higher Education Act of 1965 are not adversely affected by formula calculations for periods during the COVID-19 emergency.

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- Institutions that have not used funding provided under the Higher Education Act of 1965 within 5 years of the date when the funding was received may use such funds within the succeeding 5-year period.

**Sec. 3518. Authorized uses and other modifications for grants**

- The Secretary is given authority to modify the required and allowable uses of federal grant funding at the request of a qualifying institution or grant recipient in response to the COVID-19 emergency.
- At the request of a qualifying institution or grant recipient in response to the COVID-19 emergency, the Secretary is also authorized to modify any federal share or financial matching requirements for competitive grants or grants 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.

**Sec. 3519. Service obligations for teachers**

- The Secretary is authorized to modify the categories of circumstances under which teachers who are recipients of TEACH Grants are excused from fulfilling service obligations. Part-time and/or temporarily interrupted teaching service shall be considered full-time and shall be deemed to fulfill TEACH Grant obligations.
- Requirements that years of service be consecutive for teacher loan forgiveness are waived if teaching service is interrupted by the COVID-19 emergency and the teacher resumes services and completes a total of 5 years of service.

**Subtitle C – Labor Provisions**

**Sec. 3601. Limitation on paid leave**

- Paid family and medical leave under Section 110(b)(2)(B) of the Family and Medical Leave Act of 1993 is limited to \$200 per day and \$10,000 in the aggregate per employee.

**Sec. 3602. Emergency Paid Sick Leave Act limitation**

- Employers are not required to pay more than \$511 per day and \$5,110 in the aggregate for each employee who is unable to work because he or she is in quarantine, has been advised by a health care provider to self-quarantine, or is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- Employers are not required to pay more than \$200 per day and \$2,000 in the aggregate for each employee who is unable to work because he or she is taking care of an individual who is quarantined or experiencing COVID-19 symptoms or who is caring for a son or daughter whose school is closed or for whom childcare is unavailable.

**Sec. 3603. Unemployment insurance**

- Amends the Emergency Unemployment Insurance Stabilization and Access Act of 2020, to the extent practicable to ensure that unemployment applications and assistance with the application process will be available by at least two of the following: in person, by phone, or online.

**Sec. 3604. OMB waiver of paid family and paid sick leave**

- Gives the Director of the Office of Management and Budget authority to exclude certain federal Executive Branch employees from the requirements of the Family and Medical Leave Act for “good cause.”
- Gives the Director of the Office of Management and Budget authority to exempt certain federal government employers from the requirements of the Emergency Paid Sick Leave Act with respect to certain federal Executive Branch employees for “good cause.”

**Sec. 3605. Paid leave for rehired employees**

- Employees who were laid off by an employer after March 1, 2020 and rehired may be eligible for paid leave if they were employed for at least 30 calendar days before being laid off.

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**Sec. 3606. Advance refunding of credits**

- Payroll credits for required paid sick leave may be advanced, and the Secretary is required to establish regulations or other guidance to permit the advancement of such credits.
- Payroll credits for required paid family leave may be advanced, and the Secretary is required to establish regulations or other guidance to permit the advancement of such credits.

**Sec. 3607. Expansion of DOL authority to postpone certain deadlines**

- The Secretary of Labor's authority to extend certain tax-related ERISA deadlines in response to a presidentially declared disaster or terrorist or military action is expanded to allow postponement of deadlines in response to a public health emergency.

**Sec. 3608. Single-employer plan funding rules**

- The deadline for single-employer pension plan contributions otherwise due in 2020 is delayed until January 1, 2021. Delayed contributions must include all interest accruing between the original due date and the payment date.
- For purposes of benefit restriction status, a plan sponsor may treat the plan's adjusted funding target attainment percentage as of December 31, 2019 as the adjusted funding target for plan years that include calendar year 2020.

**Sec. 3609. Application of cooperative and small employer charity pension plan rules to certain charitable employers whose primary exempt purpose is providing services with respect to mothers and children**

- CSEC pension plan rules are applied to any plan that, as of January 1, 2000, was sponsored by an employer that (i) qualifies as a 501(c)(3), (ii) has been in existence since at least 1938, (iii) conducts medical research directly or indirectly through grant-making, and (iv) whose primary purpose is to "provide services with respect to mothers and children."

**Sec. 3610. Federal contractor authority**

- This section makes funds available to reimburse federal government contractors for paid leave, including sick leave.
- This funding also applies to contractors whose employees or subcontractors cannot perform work due to facility closures or other restrictions.

**Sec. 3611. Technical corrections**

- This section makes technical corrections to the Family and Medical Leave Act of 1993, the Emergency Family and Medical Leave Expansion Act (Division C of the Families First Coronavirus Response Act), and the Emergency Paid Sick Leave Act (Division E of the Families First Coronavirus Response Act).

**Subtitle D – Finance Committee****Sec. 3701. Exemption for telehealth services**

- A health care plan may be treated as a high-deductible health plan regardless of whether it has a deductible for telehealth and other remote-care services, allowing more patients with COVID-19 to access remote health care services and preventing further spread of the virus.

**Sec. 3702. Inclusion of certain over-the-counter medical products as qualified medical expenses**

- Over-the-counter medical products, including menstrual care products, are treated as "medical products" and accordingly may be purchased using HSA and FSA funds.

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**Sec. 3703. Increasing Medicare telehealth flexibilities during the emergency period**

- Increases Medicare beneficiaries' access to telehealth services by eliminating the requirement that such services be provided by a "qualified provider," meaning a provider that had furnished health care items or services to an individual within the past three years.

**Sec. 3704. Enhancing Medicare telehealth services for federally qualified health centers and rural health clinics during emergency period**

- During emergency periods, federally qualified health centers and rural health clinics may provide telehealth services to Medicare beneficiaries. Payments for such services would be reimbursed based on a composite rate similar to the national average payment rates applicable to comparable telehealth services under the Medicare Physician Fee Schedule.
- Costs associated with telehealth services shall be excluded when determining amounts of payment for federally qualified health center services under the prospective payment system and rural health clinic all-inclusive rate payments.

**Sec. 3705. Temporary waiver of requirement for face-to-face visits between home dialysis patients and physicians**

- During the COVID-19 emergency period, the requirement that dialysis patients have face-to-face visits with their physicians is temporarily waived.

**Sec. 3706. Use of telehealth to conduct face-to-face encounters prior to recertification of eligibility for hospice care during emergency period**

- During the COVID-19 emergency, face-to-face encounter requirements for hospice care may be fulfilled using telehealth, as deemed appropriate by the Secretary.

**Sec. 3707. Encouraging use of telecommunications systems for home health services furnished during emergency period**

- The Secretary of Health and Human Services is required to consider ways to encourage the use of telecommunications systems for remote patient monitoring and other communications and monitoring services.

**Sec. 3708. Improving care planning for Medicare home health services**

- Increases flexibility for physician assistants, nurse practitioners, and other professionals, such as clinical nurse specialists or certified nurse midwives, to provide home health services for purposes of implementing the CARES Act.

**Sec. 3709. Adjustment of sequestration**

- The 2 percent Medicare sequestration reductions are suspended from May 1, 2020 until December 31, 2020, allowing health care providers to receive more funding.

**Sec. 3710. Medicare hospital inpatient prospective payment system add-on payment for COVID-19 patients during the emergency period**

- For patients diagnosed with COVID-19, Medicare payments made to hospitals will be increased by 20 percent. The Secretary must identify a discharge of such an individual using diagnosis codes, conditions codes, or other means.
- These add-on payments are applicable for the duration of the emergency period.

**Sec. 3711. Increasing access to post-acute care during emergency period**

- The requirement under section 1886(j)(1) of the Social Security Act that an inpatient rehabilitation facility patient must receive at least 3 hours of therapy per day is waived.
- The Secretary is given enforcement discretion with respect to the 50 percent rule and site-neutral inpatient prospective payment system payment rates for services furnished by long-term care hospitals during the COVID-19 emergency period.

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**Sec. 3712. Revising payment rates for durable medical equipment under the Medicare program through the duration of the emergency period**

- Payment rates for durable medical equipment provided through the Medicare program are altered for the entirety of the emergency period.
- The transition rule applicable to durable medical equipment is applicable to items and services furnished in rural and noncontiguous areas for the duration of the emergency period.

**Sec. 3713. Coverage of the COVID-19 vaccine under Part B of the Medicare program without any cost-sharing**

- Beginning on the date that a COVID-19 vaccine is licensed, the Social Security Act is expanded to provide coverage of the COVID-19 vaccine without payment of a Medicare Part B deductible.

**Sec. 3714. Requiring Medicare prescription drug plans and MA-PD plans to allow during the COVID-19 period for fills and refills of covered part D drugs for up to a 3-month supply**

- Eligible Medicare part D individuals enrolled in a prescription drug plan or MA-PD plan may obtain up to a 90-day supply of a covered part D drug in a single fill or refill.

**Sec. 3715. Providing home- and community-based services in acute care hospitals**

- Home- and community-based services, among other things, may be provided in acute care hospitals to satisfy needs that are not met through the provision of ordinary hospital services and ensure a smooth transition from an acute care hospital to home-based care.

**Sec. 3716. Clarification regarding uninsured individuals**

- Clarifies the definition of an uninsured individual for purposes of determining which individuals qualify for coverage of COVID-19 testing without cost-sharing as provided in section 6004(a)(3)(C) of the Families First Coronavirus Response Act. This change ensures that uninsured individuals can be tested for COVID-19 without cost-sharing in any state Medicaid program that chooses to offer such enrollment options.

**Sec. 3717. Clarification regarding coverage of COVID-19 testing products**

- The Families First Coronavirus Response Act is amended to clarify that Medicare Part B beneficiaries can be tested for COVID-19 without cost-sharing.

**Sec. 3718. Amendments relating to reporting requirements with respect to clinical diagnostic laboratory tests**

- The deadline for reporting private payer data for purposes of establishing Medicare payment rates is extended by one year.
- This section also prevents scheduled reductions in Medicare payment rates for clinical diagnostic laboratory tests.

**Sec. 3719. Expansion of the Medicare hospital accelerated payment program during the COVID-19 public health emergency**

- For the duration of the COVID-19 emergency, the existing Medical hospital accelerated payment program is expanded, allowing hospitals to request up to a six-month advanced payment on a period or lump sum basis.
- Critical access hospitals could elect to receive up to 125 percent of prior period payments, while other hospital types could receive up to 100 percent of prior period payments.
- Hospitals may request to delay payment of loans for up to four months. Hospitals may also request to have at least 12 months from the advance payment date to repay loans without interest.

**Sec. 3720. Delaying requirements for enhanced FMAP to enable state legislation necessary for compliance**

- The Families First Coronavirus Response Act is amended to clarify that states are eligible for the 6.2 percent increase to the federal medical assistance percentage.

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## Subtitle E – Health and Human Services Extenders

### PART I – MEDICARE PROVISIONS

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

- The work geographic index floor under the Medicare program is extended to December 1, 2020.

#### **Sec. 3802. Extension of funding for quality measure endorsement, input, and selection**

- Funding provided under Section 1890(d)(2) of the Social Security Act for quality measure endorsement, input, and selection is increased to \$20,000,000 and extended through November 30, 2020.

#### **Sec. 3803. Extension of funding outreach and assistance for low-income programs**

- Additional funding is provided for fiscal year 2020 for state health insurance programs (\$13,000,000), area agencies on aging (\$7,500,000), aging and disability resource centers (\$5,000,000), and contracts with the National Center for Benefits and Outreach Enrollment (\$12,000,000). Funding for beneficiary outreach and counseling related to low-income programs is extended through November 30, 2020.

### PART II – MEDICAID PROVISIONS

#### **Sec. 3811. Extension of the money follows the person rebalancing demonstration program**

- The money follows the person rebalancing demonstration program established by the Deficit Reduction Act of 2005 is expanded to provide an additional \$375,500,000 for the period beginning on January 1, 2020 and ending on September 30, 2020.

#### **Sec. 3812. Extension of spousal impoverishment protections**

- Spousal impoverishment protections established in Section 2404 of Public Law 111-148 are extended to November 30, 2020.
- Additional rules of construction regarding income determinations for purposes of spousal impoverishment protections are established.

#### **Sec. 3813. Delay of DSH reductions**

- Reductions in disproportionate share hospital (DSH) allotments are delayed through November 30, 2020.

#### **Sec. 3814. Extension and expansion of community mental health services demonstration program**

- The community mental health services demonstration program is extended through November 30, 2020.
- The Secretary is directed to select two additional states to participate in 2-year community mental health services demonstration programs. Data collection, notification, and planning requirements are established for states selected to participate in such programs.
- The Comptroller General of the United States is required to submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report regarding the community mental health services demonstration program.

### PART III – HUMAN SERVICES AND OTHER HEALTH PROGRAMS

#### **Sec. 3821. Extension of Sexual Risk Avoidance Education program**

- The Sexual Risk Avoidance Education program is extended through November 30, 2020.



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**Sec. 3822. Extension of Personal Responsibility Education Program**

- The Personal Responsibility Education Program is extended through November 30, 2020.

**Sec. 3823. Extension of demonstration projects to address health professions workforce needs**

- Grants for demonstration projects to address health professions workforce needs established by Section 2008(c)(1) of the Social Security Act are extended through November 30, 2020.

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

- Activities authorized under part A of Title V and Section 1108 (b) of the Social Security Act, including TANF and related programs, are extended through November 30, 2020.

**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**

- Extends funding through November 30, 2020 for community health centers, the National Health Service Corps, and teaching health centers that operate graduate medical education programs.

**Sec. 3832. Diabetes programs**

- Extends funding through November 30, 2020 for HHS grants for research into the prevention and cure of Type I diabetes.
- Extends funding through November 30, 2020 for HHS grants to provide services for the prevention and treatment of diabetes through Indian health facilities.

**PART V – MISCELLANEOUS PROVISIONS****Sec. 3841. Prevention of duplicate appropriations for fiscal year 2020**

- Expenditures made under any provision of law amended in this subtitle shall be charged to the applicable appropriation or authorization provided by the amendments.

**Subtitle F – Over-the-Counter Drugs****PART I – OTC Drug Review****Sec. 3851. Regulation of certain nonprescription drugs that are marketed with an approved drug application**

- Reforms the regulatory process for over-the-counter (OTC) drug monographs by allowing the Food and Drug Administration (FDA) to approve changes to OTC drugs administratively, rather than going through a full notice-and-comment rulemaking.
- Provides an 18-month market-exclusivity component for certain changes to OTC drug monographs approved through the above process.

**Section 3852. Misbranding**

- An OTC drug that does not comply with the monograph requirements is misbranded.

**Section 3853. Drugs excluded from over-the-counter drug review**

- The process for approving OTC drug monographs as amended by section 3851 above does not apply to drugs previously excluded by the FDA from the Over-the-Counter Drug Review under a specified *Federal Register* document.

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**Sec. 3854. Treatment of Sunscreen Innovation Act**

- Provides that sponsors of nonprescription sunscreen active ingredients with current orders pending may elect either to have the proposed sunscreen order reviewed under the Sunscreen Innovation Act or to seek review under the new monograph process.
- Such election must be made by giving written notification to the Secretary of Health and Human Services within 180 calendar days of the enactment of the CARES Act.
- If an election notification is not received within 180 days, review of the proposed sunscreen order will not be eligible for review under the new monograph process.

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

- The Secretary of Health and Human Services is required to submit an annual letter to the House Committee on Energy and Commerce and the Senate Committee on Health, Education, Labor, and Pensions describing the FDA's progress in evaluating pediatric indications for certain over-the-counter cough and cold monograph drugs for children under age six.

**Sec. 3856. Technical Corrections**

- This section makes technical corrections to the Federal, Food, Drug, and Cosmetic Act and the Food and Drug Administration Reauthorization Act of 2017.

**PART II – USER FEES****Sec. 3861. Finding**

- Congress finds that user fees authorized by this part will be dedicated to FDA review of over-the-counter monograph drug activities.

**Sec. 3682. Fees relating to over-the-counter drugs**

- This section creates a new user fee for over-the-counter drugs. The fees authorized by this section are intended to defray increases in the costs of resources allocated for OTC monograph drug activities.

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

*Summary:* Economic Stabilization and Assistance to Severely Distressed Sectors of the United States Economy, also called the “Coronavirus Economic Stabilization Act of 2020,” provides regulatory relief to depository institutions, their holding companies and affiliates to enable them to meet the financial needs of households and businesses. Except for troubled debt restructurings, each provision is effective upon enactment or issuance of an interim final rule, as appropriate, and terminates upon the earlier of the termination date of the public health emergency or December 31, 2020. This section also provides assistance to distressed sectors for emergency relief through federal loans and loan guarantees. The loans and loan guarantees impose strict requirements on businesses that accept the relief.

**Subtitle A— Coronavirus Economic Stabilization Act of 2020****Sec. 4001. Short title**

- This section is called the “Coronavirus Economic Stabilization Act of 2020.”

**Sec. 4002. Definitions**

- Provides the following, among other key definitions:

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- “air carrier” is defined in 49 U.S. Code § 40102 as a citizen of the United States undertaking by any means, directly or indirectly, to provide air transportation.
  - “coronavirus” is defined as SARS-CoV-2 or another coronavirus with pandemic potential.
  - “covered loss” means losses, direct or incremental, incurred as a result of coronavirus, as determined by the Secretary.
  - “eligible business” means a) an air carrier; or b) a United States business that has incurred covered losses and has not otherwise applied for or received economic relief in the form of loans or loan guarantees provided under any other provision of law.
  - “equity security” and “exchange” are defined as in the Securities and Exchange Act of 1934.
  - “employee” has the same definition as the National Labor Relations Act, and includes an individual employed by an employer subject to the Railway Labor Act.
  - “national securities exchange” means an exchange registered as a national securities exchange under section 6 of the Securities Exchange Act of 1934.
  - “Secretary” is defined as Secretary of the Treasury, or the designee of the Secretary of the Treasury.

### **Section 4003. Emergency relief and taxpayer protections**

- Provides loans and loan guarantees of up to \$500 billion to eligible businesses, states, and municipalities for losses incurred as a direct result of COVID-19 for a period of up to 5 years. Eligible businesses are generally businesses for which credit is not otherwise reasonably available at the time of the transaction and that have incurred or are expected to incur losses that would jeopardize their continued operations.
- The Secretary will post application procedures and minimum requirements within 10 days and will determine whether a business is eligible for relief. Interest rates will be determined based on the current average yield on outstanding marketable obligations of the United States of comparable maturity.
- Loans and loan guarantee amounts are as follows:
  - \$25 billion: Passenger air carriers, eligible businesses that are certified under part 145 of Title 15, Code of Federal Regulations, and approved to perform inspection, repair, replace, or overhaul services, and ticket agents
  - \$4 billion: Cargo Air Carriers
  - \$17 billion: Other eligible businesses critical to maintaining national security
  - \$454 billion: As well as any amounts available but not used for direct lending, for loans, loan guarantees, and investments in support of the Federal Reserve’s lending facilities to eligible businesses, states, and municipalities
- The government may not issue loans or loan guarantees to the above borrowers unless the business has issued securities that are traded on a national securities exchange, and the Secretary receives a warrant or equity interest in the eligible business.
- For eligible businesses not mentioned above, other than an eligible business described in subparagraph (A), the Secretary receives, in the discretion of the Secretary, (i) a warrant or equity interest in the eligible business; or (ii) a senior debt instrument issued by the eligible business.
- The provision restricts the Secretary from exercising voting power of any shares of common stock acquired through the program.
- Loans and loan guarantees are subject to the following criteria:
  - the borrower must be an eligible business that does not have reasonably available access to credit;
  - the loan or guarantee is sufficiently secured or made at an interest rate that reflects the risk of the loan and, if practicable, is not less than an interest rate based on market conditions for comparable obligations before the coronavirus outbreak;
  - the duration of the loan is as short as practicable and not longer than 5 years;

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- borrowers and their affiliates may not engage in stock buybacks (of their stocks or parent companies) unless contractually obligated or pay dividends until the loan is no longer outstanding or one year after the date of the loan;
  - Borrowers must maintain their employment levels as of March 24, 2020, to the extent practicable, until September 30, 2020 and may not reduce employment levels by more than 10 percent before that date;
  - Borrowers must certify that they are United States domiciled businesses or have significant operations in and a majority of their employees based in the United States; and
  - The loan cannot be forgiven.
  - Any proceeds collected from these loans will be deposited in the Airport and Airway Trust Fund or in the Treasury.
  - The provision allows the Secretary to designate financial institutions as financial agents of the United States; however, it limits administrative fees to \$100,000,000.
  - The Secretary will endeavor to implement a program or facility through the Federal Reserve that provides financing to banks and other lenders that make direct loans to eligible businesses, including nonprofit organizations, with between 500 and 10,000 employees. This is subject to an APR of 2 percent or less, and for the 6 years after the loan is made, or a longer period if deemed necessary by the Secretary, no principal or interest shall be due and payable. Among other conditions, borrowers must certify that:
    - the funds received must be used to retain at least 90 percent of the recipient's workforce, with full compensation and benefits, through September 30, 2020;
    - the recipient will not outsource or offshore jobs for the term of the loan plus an additional 2 years;
    - the recipient will not abrogate existing collective bargaining agreements for the term of the loan plus an additional 2 years; and
    - the recipient must remain neutral in any union organizing effort for the term of the loan.

**Sec. 4004. Limitation on certain employee compensation**

- Prohibits an increase in 2019 total compensation, or severance pay, or other benefits upon termination of employment (golden parachutes) which exceeds twice the maximum 2019 total compensation for officers or employees whose total compensation exceeded \$425,000 in calendar year 2019.
- Officers or employees making over \$3 million last year are also prohibited from earning more than \$3 million plus 50 percent of the amount of their compensation last year that exceeded \$3 million.
- The prohibition remains in place beginning on the contract execution date and continuing through one year after the date the loan or loan guarantee is no longer outstanding. The legislation defines total compensation to include salary, bonuses, stock awards, and other financial benefits.

**Sec. 4005. Continuation of certain air service**

- Allows the Secretary of Transportation to require any air carriers that receive a loan or guarantee to maintain scheduled air transportation service.

**Sec. 4006. Coordination with Secretary of Transportation**

- Requires the Secretary and the Secretary of Transportation to coordinate regarding air carriers.

**Sec. 4007. Suspension of certain aviation excise taxes**

- Suspends excise taxes on payments for transportation by air and suspends taxes on kerosene used in commercial aviation between the date of the legislation and January 1, 2021.

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**Sec. 4008. Debt guarantee authority**

- Allows the Federal Deposit Insurance Corporation to establish a program (to guarantee obligations of solvent insured depository institutions or solvent depository institution holding companies held in noninterest-bearing transaction accounts) subject to a maximum guarantee amount to be established. The guarantee and program must terminate before December 31, 2020.
- Allows the National Credit Union Administration (NCUA) to temporarily increase share insurance coverage for non-interest-bearing transaction accounts without limit. The guarantee and program must terminate before December 31, 2020.

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

- Allows the Board of Governors of the Federal Reserve System to conduct closed meetings if the Chairman determines that exigent and unusual circumstances exist. The Federal Reserve is still required to keep a record of all votes and the reason for votes during this time.

**Sec. 4010. Temporary hiring flexibility**

- Allows the Secretary of Housing and Urban Development (HUD), the Securities and Exchange Commission (SEC), and the Commodity Futures Trading Commission (CFTC) to recruit and appoint candidates to fill temporary and term appointments if it is determined that those procedures are necessary to respond to COVID-19.

**Sec. 4011. Temporary lending limit waiver**

- Section 4011 excludes from national bank lending limit requirements, loans to nonbank financial companies as well as financial companies upon approval of the Comptroller of the Currency (Comptroller) and provides the Comptroller with authority to exempt any transaction or series of transactions from lending limit requirements if the Comptroller determines that the exemption is in the public interest.

**Sec. 4012. Temporary relief for community banks**

- Section 4012 requires the federal banking agencies to (i) issue an interim final rule that sets the Community Bank Leverage Ratio (CLBR) to 8 percent and (ii) provide qualifying community banks that fall below the CBLR a reasonable grace period to satisfy the ratio.

**Sec. 4013. Temporary relief from troubled debt restructuring**

- Section 4013 allows a financial institution to suspend the requirements under U.S. GAAP principles for loan modifications related to the COVID-19 pandemic that would otherwise be categorized as a troubled debt restructuring and suspend any determination of a loan modified as a result of the effects of the COVID-19 pandemic as a troubled debt restructuring. The suspension does not apply to (i) modifications of loans that were more than 30 days past due as of December 31, 2019 or (ii) modifications where the adverse impact on the credit of the borrower is not related to COVID-19. The applicable period for qualifying loan modifications began on March 1, 2020 and will end on the date that is 60 days after the date the public health emergency terminates.

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

- Section 4014 temporarily suspends compliance with the Financial Accounting Standards Board, Update No. 2016-13, including the current expected credit losses methodology for estimating allowances for credit losses (CECL).

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

- Restricts the application of Section 131 of the Emergency Economic Stabilization Act of 2008, beginning on the date of the legislation and continuing through December 31, 2020.

**Sec. 4016. Temporary credit union provisions**

- Temporarily enhances access to the Central Liquidity Facility (CLF), including for corporate credit unions, to meet liquidity needs.

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

- Waives for a 2-year period the requirement that a separate act of Congress authorize certain projects exceeding \$50 million and the requirement that any amounts unused in the Defense Production Act Fund at the end of the fiscal year that exceed \$750 million be swept and returned to the Treasury's General Fund.
- Waives for a 1-year period the requirement for a 30-day layover after presidential notification to Congress before a project may start and the requirement that Congress separately authorize certain projects exceeding \$50 million in aggregate cost.

**Sec. 4018. Special Inspector General for Pandemic Recovery**

- Establishes within the Department of the Treasury the Office of the Special Inspector General for Pandemic Recovery. The Special Inspector General shall be appointed by the President with the consent of the Senate and shall conduct, supervise, and coordinate audits and investigations of the making, purchase, management, and sale of loans, loan guarantees, and other investments made by the Treasury Secretary under this title.

**Sec. 4019. Conflicts of Interest**

- Explicitly bars from receipt of loans, loan guarantees, or other investments, any company in which the President, Vice President, an executive department head, Member of Congress, or any of such individual's spouse, child, son-in-law, or daughter-in-law owns over 20 percent of the outstanding voting stock.

**Sec. 4020. Congressional Oversight Commission**

- Establishes a Congressional Oversight Commission tasked with overseeing the implementation of this title by the Department of the Treasury and the Board of Governors of the Federal Reserve System. The Oversight Commission will provide reports every 30 days to Congress on the impact and effectiveness of loans, loan guarantees, and investments made under this title, and the effectiveness of loans, loan guarantees, and investments made under this title in minimizing long-term costs to the taxpayer and maximizing the benefits for taxpayers. The Oversight Commission shall consist of members as follows:
  - 1 member appointed by the Speaker of the House of Representatives;
  - 1 member appointed by the House Majority Leader;
  - 1 member appointed by the Senate Majority Leader;
  - 1 member appointed by the Senate Minority Leader;
  - 1 member appointed by the Speaker of the House and Senate Majority Leader, after consultation with the Senate Minority Leader and House Minority Leader.

**Section 4021. Credit protection During COVID-19**

- Requires that furnishers of information to credit reporting agencies who agree to accommodations, including forbearances, or modified payments for consumers that are impacted by COVID-19, report the obligation or account as "current" or as the status reported prior to the accommodation during the period of accommodation unless the consumer becomes current. This provision does not apply to credit obligations or accounts that have been charged off. The credit protection begins on

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January 31, 2020 and ends at the later of 120 days after enactment or 120 days after the date the national emergency declaration related to the coronavirus is terminated.

**Section 4022. Foreclosure moratorium and consumer right to request forbearance**

- Prohibits foreclosures on all federally backed mortgage loans for a 60-day period beginning on March 18, 2020 and provides up to 180 days of forbearance for borrowers of a federally backed mortgage loan who have experienced a financial hardship related to COVID-19. During this time only regularly scheduled interest, fees, or penalties, as if the borrower made the payment on time, will accrue. Federally backed mortgages include mortgages insured by the FHA, insured under section 255 of the National Housing Act, guaranteed under section 184 or 184A of the Housing and Community Development Act of 1992, guaranteed or insured by the VA; made, guaranteed, or insured by the USDA; or purchased or securitized by Freddie Mac or Fannie Mae. The authority provided under this section terminates on the earlier of the termination date of the national emergency concerning the coronavirus or December 31, 2020.

**Section 4023. Forbearance of residential mortgage loan payments for multifamily properties with federally backed loans**

- Provides up to 90 days of forbearance for multifamily borrowers with a federally backed multifamily mortgage loan who have experienced a financial hardship; the borrower must have been current on payments as of February 1, 2020. Borrowers receiving forbearance may not evict, initiate eviction, or charge late fees to tenants for the duration of the forbearance period. Federally backed mortgages include loans to real property designed for 5 or more families that are purchased, insured, or assisted by Fannie Mae, Freddie Mac, or HUD. The authority provided under this section terminates on the earlier of the termination date of the national emergency concerning the coronavirus or December 31, 2020.

**Section 4024. Temporary moratorium on eviction filings**

- Restricts landlords for 120 days beginning on the date of the legislation from initiating legal action to recover possession of a rental unit or charge fees, penalties, or other charges to tenants related to nonpayment of rent if the landlord's mortgage on that property is insured, guaranteed, supplemented, protected, or assisted in any way by HUD, Fannie Mae, Freddie Mac, the rural housing voucher program, or the Violence Against Women Act of 1994.

**Section 4025. Protection of collective bargaining agreement**

- Prohibits the Secretary or any other government actor from conditioning a carrier or eligible business's issuance of a loan or loan guarantee on the implementation of measures to enter into negotiations with the certified bargaining representative.
- The application period begins on the date on which the carrier or contractor accessed financial assistance and ends on September 30, 2020.

**Section 4026. Reports**

- Requires the Secretary to publish on the Department of Treasury's website detailed information about each transaction authorized by this Act, within 72 hours of the time such transaction is executed. This information includes
  - a plain-language description of the transaction, including the date of application, date of application approval, and identity of the counterparty;
  - the amount of the loan, loan guarantee, or other investment and a description of the pricing mechanism for the transaction;
  - the interest rate, conditions, and any other material or financial terms associated with the transaction, if applicable;
  - a copy of the relevant and final term sheet, if applicable, and contract or other relevant documentation regarding the transaction; and



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- a justification of the price paid for and other financial terms associated with the transaction.
  - The Comptroller General will provide and submit to Congress reports on the loans and loan guarantees within 9 months of the legislation and annually through the year the last loan or loan guarantee is in effect.

**Sec. 4027. Direct Appropriation**

- Prohibits the Secretary from providing relief through direct cash payments. The Secretary may only provide relief in the form of loans or loan guarantees as provided for in the legislation.
- Appropriates \$500,000,000,000 to carry out the functions of the Act.

**Sec. 4028. Rule of Construction**

- Explicitly bars the Secretary from providing relief through direct cash payments. The Secretary may only provide relief in the form of loans or loan guarantees as provided for in the legislation.

**Sec. 4029. Termination of Authority**

- Authority to make new loans, loan guarantees, or other investments, under the Act, terminates on December 31, 2020, and any outstanding loan, loan guarantee, or other investment outstanding may be modified, restructured or amended.

**Subtitle B—Air Carrier Worker Support**

**Sec. 4111. Definitions**

- Key definitions include the following
  - “contractor” is defined to mean a person under contract with an air carrier that conducts catering functions or ground support functions or a subcontractor who performs these functions.
  - “employee” means an individual other than a corporate officer, employed by an air carrier or a contractor.

**Sec. 4112. Pandemic Relief for Aviation Workers**

- Provides various amounts for the exclusive use of employee wages, salaries, and benefits. Amounts are as follows:
  - \$25 billion: passenger air carriers
  - \$4 billion: cargo air carriers
  - \$3 billion: contractors

**Sec. 4113. Procedures for Providing Payroll Support**

- Provides that the Secretary will provide financial assistance based on the salaries and benefits reported by the air carrier to the Department of Transportation pursuant to part 241 of title 14, Code of Federal Regulations, for the period from April 1, 2019, through September 30, 2019. For air carriers and contractors that do not transmit reports under part 241, in an amount that the air carrier certifies, using sworn financial statements or other appropriate data, as the amount of wages, salaries, benefits, and other compensation that the air carrier paid the employees during the period from April 1, 2019, through September 30, 2019.
- Requires the Secretary to make initial payments to air carriers and contractors that request financial assistance within 10 days.
- Requires the Inspector General of the Department of Treasury audit certifications made by small air carriers and contractors.

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**Sec. 4114. Required Assurances**

- Requires recipients to enter into an agreement with the Secretary of the Treasury that they will not, until September 30, 2020, conduct furloughs, reduce pay rates, buy back stock, or pay dividends, and meet requirements of Sections 4115 and 4117.
- Authorizes the Secretary of Transportation to require, to the extent practicable, that air carriers receiving financial support maintain scheduled service to any point served before March 1, 2020.
- Requires the Secretary of Transportation to take into consideration the air transportation needs of small and remote communities and the need to maintain well-functioning health care supply chains when considering this authority.

**Sec. 4115. Protection of Collective Bargaining Agreement**

- Prohibits the Secretary, Department of Treasury, any other government agency or actor from conditioning the issuance of financial assistance to force a carrier or contractor to enter negotiations with a certified bargaining representative regarding pay or other terms and conditions of employment. This section is in effect beginning on the date the air carrier or contractor is first issued the financial assistance and ending on September 30, 2020.

**Sec. 4116. Limitation on Certain Employee Compensation**

- Determines that the Secretary may only provide financial assistance under this agreement if the carrier or contractor agrees to compensation restrictions provided for, earlier in the legislation.
- Provides financial compensation limits for employees and officers of air carriers or contractors. For a two-year period beginning on beginning on March 24, 2020 and ending on March 24, 2022, no officer or employee of the air carrier or contractor whose total compensation exceeded \$425,000 in calendar year 2019. Additionally, no officer or employee whose total compensation exceeded \$3,000,000 in 2019 may receive in excess of \$3,000,000 and 50 percent of the excess over \$3,000,000 of the total compensation received in 2019.

**Sec. 4117. Taxpayer Protection**

- Provides that the Secretary may receive warrants, options, preferred stock, debt securities, notes, or other financial instruments issued by recipients of financial assistance to provide appropriate compensation to the federal government. The means will be determined solely by the Secretary.

**Sec. 4118. Reports**

- Provides that the Secretary of Treasury will submit a report to the Committee on Transportation and Infrastructure and the Committee on Financial Services of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Banking, Housing, and Urban Affairs of the Senate on the financial assistance provided to air carriers and contractors not later than November 1, 2020.

**Sec. 4119. Coordination**

- The Secretary will coordinate with the Secretary of Transportation when implementing this measure.

**Sec. 4120. Direct Appropriation**

- Appropriates \$32,000,000,000 to carry out this subtitle.

**TITLE V—CORONAVIRUS RELIEF FUNDS****Sec. 5001. Coronavirus relief fund**

- Provides \$150,000,000,000 in funding to states, Tribal governments, and local governments.

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- The amount of funding provided to each state is determined based on relative population proportion, but no state shall receive less than \$1,250,000,000.
  - Such funds are to be used only to cover costs necessary for expenditures incurred between March 1, 2020 and December 30, 2020 to respond to the COVID-19 public health emergency.

## TITLE VI—MISCELLANEOUS PROVISIONS

### **Sec. 6001. COVID-19 borrowing authority for the United States Postal Service**

- Provides \$150,000,000,000 in funding to states, Tribal governments, and local governments.
- The amount of funding provided to each state is determined based on relative population proportion, but no state shall receive less than \$1,250,000,000.
- Such funds are to be used only to cover costs necessary for expenditures incurred between March 1, 2020 and December 30, 2020 to respond to the COVID-19 public health emergency.

### **Sec. 6002. Emergency designation**

- Provides additional borrowing authority of up to \$10 billion if the Postal Service determines that, due to the COVID-19 emergency, the Postal Service will not be able to fund operating expenses without borrowing money. The borrowed funds may only be used for operating expenses and may not be used to pay outstanding debt.
- Allows the Postal Service to prioritize delivery of postal products for medical purposes; and establish temporary delivery points.
- Designates the amount under this section 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)).

## **DIVISION B – EMERGENCY APPROPRIATIONS FOR CORONAVIRUS HEALTH RESPONSE AND AGENCY OPERATIONS**

### TITLE I – DEPARTMENT OF AGRICULTURE

#### **Office of the Secretary**

- Provides \$9,500,000,000 for the Office of the Secretary to prevent, prepare for, and respond to the coronavirus. The funding would be used to provide support for agricultural producers impacted by the coronavirus, including producers of specialty crops; producers that supply local food systems, including farmers markets, restaurants, and schools; and livestock producers, including dairy producers.

#### **Office of the Inspector General**

- Provides \$750,000 for the Office of the Inspector General to prevent, prepare for, and respond to the coronavirus, domestically or internationally, through September 30, 2021. The funding would be used for conducting audits and investigations of projects and activities made available through this legislation to the Department of Agriculture.

#### **Animal and Plant Health Inspection Service**

- Provides for an additional amount of \$55 million for salaries and expenses, to remain available until September 30, 2021, for salary expenses associated with prevention of, preparation for, and response to the coronavirus.

#### **Agricultural Marketing Service**

- Provides an additional \$45 million to cover salary expenses associated with commodity grading, inspection, and audit activities.

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**Food Safety and Inspections Service**

- Provides an additional \$33 million to support temporary and intermittent staffing and overtime expenses for Food Safety Inspection Service inspectors at federally inspected slaughter facilities.

**Farm Service Agency**

- Provides an additional \$3 million to hire temporary staff and pay overtime expenses, due to the coronavirus.

**Rural Business Program Account**

- Provides an additional \$20, 500,000 for the cost of loans for rural business development programs authorized by section 310B and authorized by 310B(g) of the Consolidated Farm and Rural Development Act.

**Distance Learning, Telemedicine, And Broadband Program**

- Provides an additional \$25 million for telemedicine and distance learning services in rural areas.

**USDA/Food and Nutrition Service – \$25.06 billion****Child Nutrition Programs**

- Provides an additional \$8,800,000,000 funding for Child Nutrition Programs.

**Supplemental Nutrition Assistance Program**

- Provides an additional \$15,810,000,000 for the Supplemental Nutrition Assistance Program (SNAP).
- \$100 million would be used for households living on Indian reservations and for participating Indian Tribal Organizations.
- \$100 million would be used for grants to the Northern Mariana Islands, Puerto Rico, and American Samoa until September 30, 2021.

**Commodity Assistance Program**

- Provides an additional \$450 million for commodities and distribution of emergency food assistance through community partners.
- Up to \$150 million may be used for costs associated with distribution of commodities.

**Foreign Agricultural Service**

- Provides \$4 million to relocate employees and their dependents back from overseas posts.

**Department of Health and Human Services – \$80 million****Food and Drug Administration**

- Provides \$80 million for the development of necessary medical countermeasures and vaccines, advanced manufacturing for medical products, monitoring of medical product supply chains, and related administrative expenses.

**General Provisions**

- Stipulates that not more than three of the funds available to the Rural Development mission may be used for administrative costs to carry out loan, loan guarantee, and grant activities.

**Commodity Credit Corporation**

- Provides the Department of Agriculture with the authority to extend the repayment period for Marketing Assistance Loans to 12 months.

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## TITLE II – DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

### Department of Commerce - \$1.595 Billion

#### **Economic Development Administration**

- Provide \$1.5 billion to support economic development grants for states and communities to respond to economic injury as a result of the coronavirus.
- Up to \$3 billion will be provided to the Office of the Inspector General account for audits and investigations related to the funding.

#### **National Institute of Standards and Technology**

- Provides \$6 million to support continuity of operations during the coronavirus public health emergency, including research and measurement science activities to support the development of coronavirus diagnostics.

#### **Industrial Technology Services**

- Provides \$50 million for the Hollings Manufacturing Extension Partnership.
- Provides \$10 million for the National Network for Manufacturing Innovation (also known as “Manufacturing USA”) to support the development and manufacture of medical countermeasures and biomedical equipment and supplies.

#### **National Oceanic and Atmospheric Administration**

- Provides \$20 million to support continuity of mission-critical operations during the coronavirus public health emergency, including National Weather Service life- and property-related operations.

### Department of Justice – \$1.207 Billion

#### **Justice Information Sharing Technology**

- Provides \$2 million for enhanced departmental telework capabilities.

#### **Office of the Inspector General**

- Provides \$2 million to audit funding to prevent, prepare for, and respond to coronavirus, including the impact of the coronavirus on the work of the Department of Justice.

#### **Office of United States Attorneys**

- Provides \$3 million for enhanced telework capabilities.

#### **United States Marshal Service**

- Provides \$15 million to prevent, prepare for, and respond to the coronavirus, domestically or internationally.

#### **Federal Bureau of Investigation**

- Provides \$20 million to prevent, prepare for, and respond to the coronavirus, domestically or internationally.

#### **Drug Enforcement Administration**

- Provides \$15 million to prevent, prepare for, and respond to the coronavirus, domestically or internationally.

#### **Federal Prison System**

- Provides \$100 million to prevent, prepare for, and respond to the coronavirus, domestically or internationally.

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### **Office of Justice Program**

- Provides \$850,000 to help state, local, and tribal officers respond to coronavirus. This funding can be used for the purchase of personal protective equipment, for the Edward Byrne Memorial Justice Assistance Grant program.

### **National Aeronautics And Space Administration (NASA)**

- Provides \$60 million to support NASA with resources for operational adjustments caused by the coronavirus.

### **National Science Foundation**

- Provides \$75 million for research and related activities.
- Provides \$1 million to assist in the administration of RAPID grants.

### **Legal Services Corporation**

- Provides \$50 million for the increased need for in legal services needed due to the coronavirus.

### **Bureau of Prisons**

- Provides the Bureau of Prisons with funding to purchase equipment and supplies necessary to combat the coronavirus in prisons.
- Increases the time allowed to place a prisoner in home confinement.
- Allows video visitation of inmates through teleconferencing and telephonically free of charge to inmates.

### **Director of USPTO**

- The Director may toll, waive, adjust, or modify any timing deadline of the United States Patent and Trademark Office. If the Director decides to modify any deadline, the Director shall submit to Congress a statement describing the action taken, relevant background, and rationale for the period of modification.

### **Fisheries**

- The Director may toll, waive, adjust, or modify any timing deadline of the United States Patent and Trademark Office. If the Director decides to modify any deadline, the Director shall submit to Congress a statement describing the action taken, relevant background, and rationale for the period of modification.
- Provides \$300 million for fisheries impacted by coronavirus.

## **TITLE III – DEPARTMENT OF DEFENSE**

### **Military Personnel**

- Provides a combined \$1.5 billion for emergency deployments of Guard personnel.
- National Guard Army – Personnel: \$746,591,000; Operation and Maintenance: \$186,696,000
- National Guard Air Force – Personnel: \$482,125,000; Operation and Maintenance: \$75,754,000
- Army – Operation and Maintenance: \$160,300,000
- Navy – Operation and Maintenance: \$360,308,000
- Marine Corps – Operation and Maintenance: \$90,000,000
- Air Force – Operation and Maintenance: \$155,000,000
- Army Reserve – Operation and Maintenance: \$48,000,000
- Defense wide - \$827,000,000

### **Defense Production Act Purchases**

- Provides \$1 billion for Defense Production Act purchases.

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### **Defense Working Capital Funds**

- Provides \$1,450,000,000 for the Defense Working Capital Funds as the Defense Logistics Agency and military services work to mitigate the impact of COVID-19.
- Provides \$475,000,000 for the Navy Working Capital Fund, \$475,000,000 for the Air Force Working Capital Fund, and \$500 million for the Defense Working Capital Act Fund.

### **Defense Health Program**

- Provides \$3,390,600,000 for operation and maintenance, and \$415,000,000 for research, development, testing, and evaluation.

### **Office of the Inspector General**

- Provides \$20,000,000 for additional personnel to conduct audits and evaluations of COVID-19 emergency funding.
- Production Act to increase access to materials necessary for national security and pandemic recovery.

## **TITLE IV – CORPS OF ENGINEERS – CIVIL DEPARTMENT OF THE ARMY**

### **Operation and Maintenance**

- \$50,000,000 is provided for operations and maintenance to prevent, prepare for, and respond to the coronavirus, domestically or internationally.

### **Expenses**

- \$20,000,000, to remain available for expenses until September 30, 2021, to prevent, prepare for, and respond to the coronavirus, domestically or internationally.

### **Bureau of Reclamation**

- \$12,500,000, to remain available for expenses until September 30, 2021, to prevent, prepare for, and respond to the coronavirus, domestically or internationally. \$500,000 of the funds shall be transferred to the “Central Utah Projection Completion Account.”
- An additional \$8,100,000, to remain available for expenses until September 30, 2021, to prevent, prepare for, and respond to the coronavirus, domestically or internationally.

### **General Provisions**

- Funds may be used to reimburse agencies for COVID-19 response activities that have already occurred.
- Discretionary appropriations derived from the Harbor Maintenance Trust Fund shall be subtracted from the estimate of discretionary budget authority and outlays for any estimate of an appropriations Act under the Congressional Budget and Impoundment Control Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985.
- Discretionary grants to respond to economic distress related to COVID-19 are not included for purposes of calculating limits on available grant amounts under 42 U.S.C. Section 14321.
- Appalachian Regional Commission may waive local cost-share requirements for grants related to the coronavirus.

## **TITLE V – DEPARTMENT OF THE TREASURY**

### **Internal Revenue Service**

- Provides \$250,000,000 to cover costs associated with the extended filing season and implementation of the Families First Coronavirus Response Act



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### **United States Supreme Court**

- Provides \$500,000 for the Supreme Court to expand its capacity for staff to work remotely.

### **District Courts and Other Judicial Services**

- Provides \$6 million for increased costs for pretrial and probation services, and to expand capacity for Judiciary staff to work remotely.

### **Defender Services**

- Provides \$1 million to expand its capacity for Defender Services staff to work remotely.

### **Video Teleconferencing for Criminal Proceedings**

- If a national emergency is declared by the President with respect to the coronavirus, the federal courts or district courts may authorize the use of video teleconferencing for (A) detention hearings, (B) initial appearances, (C) preliminary hearings, (D) waivers of indictment, (E) arraignments, (F) probation and supervised release revocation, (G) pretrial release revocation proceedings, (H) appearances under Rule 40 of the Federal Rules of Criminal Procedure, (I) misdemeanor pleas and sentencings, and (J) proceedings under the “Federal Juvenile Delinquency Act.”
- Teleconferencing may take place only with the consent of the defendant, or the juvenile, after consultation with counsel.

### **District of Columbia**

- Provides \$5 million to address increased costs for emergency planning and security in the District of Columbia.

### **Election Assistance Commission**

- Provides \$400 million to provide grants to states in response to the coronavirus outbreak for the 2020 election cycle.

### **Federal Communications Commission**

- Provides \$200 million for the FCC to support efforts of health care providers to address the coronavirus by providing telecommunications services, information services, and devices necessary to enable the provision of telehealth services.

### **Federal Buildings Fund**

- Provides \$275 million to cover costs incurred to prevent, prepare for, and respond to the coronavirus and the response in GSA-managed federal building.

### **Federal Citizens Fund**

- Provides \$18,650,000 for the Federal Citizen Services Fund to support government-wide remote connectivity initiatives.

### **Working Capital Fund**

- Provides \$1.5 million to support additional costs related to the coronavirus response.

### **National Archives and Records Administration**

- Provides \$8.1 million in operating expenses to respond to the coronavirus.

### **Office of Personnel Management**

- Provides \$12.1 million to respond to the coronavirus, including technologies for digital case management, short-term methods to allow electronic submissions of retirement application packages in support of paper-based business operations, and increased telecommunications.

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### **Pandemic Response Accountability Committee**

- Provides \$80 million for an oversight board to promote transparency and oversight of appropriated funds.

### **Small Business Administration Disaster Loan Account**

- Provides \$562 million for administrative expenses to carry out the disaster loan program authorized by section 7(b) of the Small Business Act.

### **Pandemic Response Accountability Committee**

- Conduct oversight of covered funds to prevent and detect fraud, waste, abuse, and mismanagement, and mitigate major risks that cut across program and agency boundaries.
- Creation of a public-facing website to foster greater accountability and transparency in the use of covered funds and the coronavirus response.

## **TITLE VI – DEPARTMENT OF HOMELAND SECURITY**

### **Management Directorate**

- \$178,300,000, to remain available until September 30, 2021, to be used for the purchase of personal protective equipment and sanitization materials.

### **Transportation Security Administration**

- \$100,000,000, to remain available until September 30, 2021, for cleaning and sanitization at checkpoints and other airport common areas, overtime and travel costs, and explosive detection materials.

### **United States Coast Guard**

- \$140,000,000, to remain available until September 30, 2021, to be used for mobilization of reservists and increasing capability and capacity of Coast Guard information technology systems and infrastructure.

### **Cybersecurity and Infrastructure Security**

- \$9,100,000, to remain available until September 30, 2021, to be used to support interagency critical infrastructure coordination and related activities.

### **Federal Emergency Management Agency**

- \$44,987,000, to remain available until September 30, 2021, to be used for facilities support and enhancement of information technology.

### **Disaster Relief Fund**

- \$45,000,000,000, to remain available until expended, of which \$15,000,000,000 may be used for all purposes authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act. \$3,000,000 of the amount provided by this section will be transferred to the Office of the Inspector General and used for oversight.
- Every 30 days, the Administrator of the Department of Homeland Security must provide the Committees on Appropriations of both Houses of Congress with projected and actual costs for funds provided under this section.

### **Federal Assistance**

- \$400,000,000, to remain available until September 30, 2021, of which \$100,000,000 shall be for Assistance to Firefighter Grants to purchase personal protective equipment and related supplies; \$100,000,000 shall be for Emergency Management Performance Grants; and \$200,000,000 shall be for the Emergency Food and Shelter Program.

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## **General Provisions**

- Sec. 16003 provides that if the Secretary determines that services performed during fiscal year 2020 were primarily related to preparation for, prevention of, or response to the coronavirus, such payments are exempted from the aggregate of basic pay and premium pay calculated under 5 U.S.C. Section 5547(a). In addition, any overtime authority for such services funded by FEMA is exempt from annual limits on overtime pay.
- Sec. 16004 establishes that amounts provided under this title for Coast Guard Operations and Support may be available for pay and benefits of Coast Guard Yard and Vessel Documentation personnel, for Non-Appropriated Funds personnel, and for Morale, Welfare, and Recreation Programs.
- Sec. 16005 clarifies the definition of health care professionals.
- Sec. 16006 states that the Secretary of Homeland Security may not extend deadlines under the REAL ID Act of 2005.
- Sec. 16007 amends the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014.

## **TITLE VII – DEPARTMENT OF INTERIOR**

### **Bureau of Indian Affairs**

- \$453,000,000 for “Operation of Indian Programs,” including funds for public safety and justice programs, executive direction for deep cleaning of facilities, purchase of personal protection equipment (PPE), purchase of information technology to improve teleworking capability, welfare assistance programs, and assistance to tribal governments. \$400 million of the \$453 million shall be made available to meet the direct needs of tribes.

### **Bureau of Indian Education**

- \$69,000,000 for tribally controlled colleges and universities, salaries, transportation, and information technology to improve teleworking capability. \$20 million of the \$69 million shall be used for tribal colleges and universities.

### **Office of the Secretary**

- \$158,400,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to the coronavirus, domestically or internationally, including funding to purchase equipment and supplies for cleaning and disinfecting buildings and public areas, supporting law enforcement and emergency management operations, biosurveillance of wildlife and environmental persistence studies, employee overtime pay and special expenses, and other response, mitigation, and recovery activities.

### **Insular Affairs**

- \$55,000,000 for “Assistance to Territories,” to remain available until September 30, 2021, for general technical assistance.

### **Environmental Protection Agency (EPA)**

- \$2,250,000, to remain available until September 30, 2021, for “Science and Technology,” of which \$750,000 shall be for necessary expenses for cleaning and disinfecting of equipment and facilities of, or for use by, the EPA, and \$1,500,000 shall be for research on methods to reduce the risks from environmental transmission of the coronavirus via contaminated surfaces or materials.
- \$3,910,000, to remain available until September 30, 2021, for “Environmental Programs and Management,” of which \$2,410,000 shall be for necessary expenses for cleaning and disinfecting of equipment and facilities of, or for use by, the EPA, and operational continuity of EPA programs and related activities, and \$1,500,00 shall be for expediting registration and other actions related to pesticides to address the coronavirus.
- \$300,000, to remain available until September 30, 2021, for “Buildings and Facilities” to be used for cleaning and disinfecting equipment or facilities of, or for use by, the EPA.

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- \$770,000 for the Hazardous Substance Superfund.

#### **United States Forest Service**

- \$3,000,000, to remain available until September 30, 2021, for reestablishment of abandoned or failed experiments associated with employee restrictions due to the coronavirus outbreak.
- \$34,000,000, to remain available until September 30, 2021, for cleaning and disinfecting of public recreation amenities and for personal protective equipment and baseline health testing for first responders.
- \$26,800,000, to remain available until September 30, 2021, for capital improvement and maintenance, including janitorial services.
- \$7,000,000, to remain available until September 30, 2021, for wildland fire management, including for personal protective equipment and baseline health testing for first responders.

#### **Indian Health Service**

- \$1,032,000,000, to remain available until September 30, 2021, including funding for public health support, electronic health record modernization, telehealth and other information technology upgrades, Purchased/Referred Care, Catastrophic Health Emergency Fund, Urban Indian Organizations, Tribal Epidemiology Centers, Community Health Representatives, and other activities necessary to meet the increase in need of services and to protect the safety of patients and staff. Up to \$65,000,000 of this may be used for electronic health record stabilization and support, including for planning and tribal consultation. No less than \$450,000,000 of this shall be distributed through HIS directly operated programs and to tribes and tribal organizations under the Indian Self-Determination and Education Assistance Act and through contracts or grants with urban Indian organizations under Title V of the Indian Health Care Improvement Act.

#### **Agency for Toxic Substances and Disease Registry**

- \$12,500,000 for toxic substances and environmental public health. Of this, \$7,500,000 shall be used for necessary expenses of the Geospatial Research, Analysis, and Services Program to support spatial analysis and Geographic Information System mapping of infectious disease hot spots, including cruise ships. \$5,000,000 of the funds provided in this section shall be for necessary expenses for awards to Pediatric Environmental Health Specialty Units and state health departments to provide guidance and outreach on safe practice for home, school, and daycare facility disinfection.

#### **Institute of the American Indian and Alaska Native Culture and Arts Development**

- \$78,000, to remain available until September 30, 2021, to the Institute of the American Indian and Alaska Native Culture and Arts Development to respond to the coronavirus.

#### **Smithsonian Institution**

- \$7,500,000, to remain available until September 30, 2021, to respond to the coronavirus, including funding for deep cleaning, security, information technology, and staff overtime.

#### **Kennedy Center**

- \$25,000,000, to remain available until September 30, 2021, to respond to the coronavirus, including funding for deep cleaning and information technology to improve teleworking capability. This funding is also used to cover operating expenses, including employee compensations and benefits, grants, contracts, payments for rent or utilities, fees for artists or performers, information technology, and other administrative expenses. No later than October 31, 2020, the Board of Trustees of the Center shall submit a report to the Committees on Appropriations of the House of Representatives and Senate that includes a detailed explanation of the distribution of the funds.

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### **National Endowment for the Arts**

- \$75,000,000, to remain available until September 30, 2021, for grants and administration. Forty percent of such funds shall be distributed to state arts agencies and regional arts organizations, and 60 percent shall be for direct grants. Grant recipients may use such funds for their general operations. Matching requirements for such grants may be waived.

### **National Endowment for the Humanities**

- \$75,000,000, to remain available until September 30, 2021, for grants and administration. Forty percent of such funds shall be distributed to state humanities councils, and 60 percent shall be for direct grants. Grant recipients may use such funds for their general operations. Matching requirements for such grants may be waived.

## **TITLE VIII – DEPARTMENTS OF LABOR, HEALTH, AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES**

### **Department of Labor – \$112 million**

- Dislocated Worker National Reserve: \$345 million to respond to workforce impacts and layoffs resulting from COVID-19. Grants are provided to states and other entities.
- Program Management: \$15 million in additional funds, including to enforce the worker protection laws and regulations, and to implement the paid leave and emergency Unemployment Insurance stabilization activities included in the Families First Coronavirus Response Act (P.L. 116-127).

### **Department of Health and Human Services – \$98.778 billion**

- Public Health and Social Services Emergency Fund – \$127 billion
  - Reimbursement to Healthcare Providers: \$100 billion to reimburse, through grants or other mechanisms, eligible health care providers for health care related expenses or lost revenues that are directly attributable to the coronavirus.
  - Strategic National Stockpile: Not less than \$16 billion to procure medical supplies for the stockpile.
  - Vaccine, Therapeutics, Diagnostics, and other Preparedness Needs: \$10.5 billion, including not less than \$3.5 billion for advance construction, manufacture, and purchase of vaccines and therapeutic delivery.
  - Hospital Preparedness: Not less than \$500 million to provide preparedness support to facilities around the country, with \$200 million to be provided to grantees within 30 days.
  - Health Resources and Services Administration: \$275 million to expand services and capacity for rural hospitals, telehealth, poison control centers, and the Ryan White HIV/AIDS program.
  - HHS Office of Inspector General oversight activities: \$4 million.
- Centers for Disease Control and Prevention – \$4.3 billion
  - State and Local Preparedness Grants: \$1.5 billion in designated funding for state and local preparedness and response. (With at least \$125,000,000 allocated to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes.)
  - Global Health Security: \$500 million for global disease detection and emergency response.
  - Public Health Data Surveillance and Infrastructure Modernization: \$500 million for public health data surveillance and analytics infrastructure modernization.
  - Infectious Disease Fund: \$300 million for the Infectious Diseases Rapid Response Reserve Fund.
- National Institutes of Health
  - National Heart, Lung, and Blood Institute: \$103,400,000 in additional funds to prevent, prepare for, and respond to the coronavirus.

- National Institute of Allergy and Infectious Diseases: \$706,000,000 in additional funds to prevent, prepare for, and respond to the coronavirus, including at least \$156,000,000 for NIH vaccine and infectious diseases research facilities.
- National Institute of Biomedical Imaging and Bioengineering: \$60,000,000 to prevent, prepare for, and respond to the coronavirus, domestically or internationally.
- National Library of Medicine: \$10,000,000 in additional funds to prevent, prepare for, and respond to the coronavirus.
- National Center for Advancing Translational Sciences: \$36,000,000 to prevent, prepare for, and respond to the coronavirus.
- Office of the Director: \$30,000,000 to prevent, prepare for, and respond to the coronavirus.
- Substance Abuse and Mental Health Services Administration
  - Health Surveillance and Program Support: \$425,000,000 to prevent, prepare for, and respond to the coronavirus, domestically or internationally. Not less than \$250,000,000 of that money is available for the Certified Community Behavioral Health Clinic Expansion Grant program. \$50,000,000 of the total \$425,000,000 shall be available for suicide prevention programs.
- Centers for Medicare and Medicaid Services: \$200,000,000 to prevent, prepare for, and respond to the coronavirus, domestically or internationally. Not less than \$100,000,000 is available for necessary expenses of the survey and certification program, and prioritizing nursing home facilities in localities with community transmission of the coronavirus.
- Administration for Children and Families
  - Payments to states for the Child Care and Development Block Grant: \$3,500,000,000 to supplement state, territory, and tribal general revenue funds for child care assistance for low-income families.
  - Community Services Block Grants: \$1,000,000,000 in additional funds.
  - Head Start Program: \$750,000,000 in additional funds.
  - Family Violence Prevention and Services: \$45,000,000 in additional funds.
  - Runaway and Homeless Youth: \$25,000,000 in additional funds.
  - Child Welfare Services: \$45,000,000 in additional funds.
  - Low Income Home Energy Assistance Program: \$900,000,000 in additional funds.
- Administration for Community Living Aging and Disability Services Programs: \$955,000,000 in additional funds, including allocations for centers for independent living.
  - \$820,000,000 for activities authorized under the Older Americans Act of 1965, including \$200,000,000 for supportive services under part B of title III, \$480,000,000 for nutrition services under subparts 1 and 2 of part C of title III, \$20,000,000 for nutrition services under title VI, \$100,000,000 for support services for family caregivers under part E of title III, and \$20,000,000 for elder rights protection activities.

**Department of Education – \$30.9 billion**

- Education Stabilization Fund: \$30,750,000,000 in additional funds for needs related to COVID-19, including:
  - \$13.5 billion for Elementary and Secondary Education;
  - \$14.25 billion for Higher Education; and
  - \$3 billion in State Flexibility Funding.
- Howard University: \$13 million in additional funds, including to help defray the expenses directly caused by the coronavirus and to enable grants to students for expenses directly related to the coronavirus and the disruption of university operations.

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- Gallaudet University: \$7 million in additional funds, including to help defray the expenses directly caused by the coronavirus and to enable grants to students for expenses directly related to the coronavirus and the disruption of university operations.
  - Student Aid Administration: \$40 million for administrative expenses to support changes to student aid programs.
  - Program Administration: \$8 million in additional funds to respond to the coronavirus.
  - Office of the Inspector General: \$7 million for audit and oversight of activities funded in this bill.

#### **Related Agencies**

- Corporation for Public Broadcasting: \$75 million for stabilization grants to maintain public programming services.
- Institute for Museum and Library Services: \$50 million, including for grants to states, territories, and tribes to expand digital network access and provide technical support services.
- Railroad Retirement Board: \$5 million to improve the mobility of the workforce and administer the Railroad Unemployment Insurance Act.
- Social Security Administration (SSA): \$300 million to respond to the coronavirus.

#### **Other**

- Allows HHS Secretary to appoint candidates needed for positions to perform critical work relating to the coronavirus for which public notice has been given; the Secretary has determined that such a public health threat exists.
- Allows HHS to reimburse DHS for costs incurred related to screening at airports.
- Allows HHS to reimburse laboratory for costs incurred related to testing.

## **TITLE IX – LEGISLATIVE BRANCH**

#### **Senate**

- \$1,000,000 for contingent expenses of the Sergeant at Arms and Doorkeeper of the Senate.
- \$9,000,000 for miscellaneous items, subject to approval by the Committee on Appropriations of the Senate and the Senate Committee on Rules and Administration.

#### **House of Representatives**

- \$25,000,000, to remain available until September 30, 2021, except that \$5,000,000 will remain available until expended, to be allocated with a spending plan subject to approval by the Committee on Appropriations of the House of Representatives.

#### **Joint Items**

- \$400,000 for the Office of the Attending Physician, to remain available until expended.
- \$12,000,000 for salaries of the Capitol Police, to remain available until expended. Such funds may be transferred to “General Expenses” by the Capitol Police.
- \$25,000,000 for “Capitol Construction and Operations,” including to purchase and distribute cleaning and sanitation products throughout all facilities and grounds under the Architect of the Capitol’s care. Such funds may also be used for related services and operational costs.
- \$700,000 for the salaries and expenses of the Library of Congress. Such funds shall be made available to the Little Scholars of Child Development Center, subject to approval by the Committees on Appropriations of the Senate and House of Representatives, the Senate Committee on Rules and Administration, and the Committee on House Administration.



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- \$20,000,000 for salaries and expenses of the Government Accountability Office (GAO). The GAO must submit a spend plan to the Committees on Appropriations of the Senate and House of Representatives specifying funding estimates and a timeline for audits and investigations within 90 days.

## **TITLE X – VETERANS AFFAIRS AND RELATED AGENCIES**

### **Veterans Benefits Administration**

- \$13,000,000 for general operating expenses, to remain available until September 30, 2021.

### **Veterans Health Administration**

- \$14,432,000,000 for medical services, including coronavirus-related impacts on health care delivery and for support to veterans who are homeless or at risk of becoming homeless.
- \$2,100,000,000 for medical community care, including coronavirus-related impacts on health care delivery.
- \$100,000,000 for medical support and compliance, including coronavirus-related impacts on health care delivery.
- \$606,000,000 for medical facilities, including coronavirus-related impacts on health care delivery.

### **Departmental Administration**

- \$6,000,000 for general administration to prevent, prepare for, and respond to the coronavirus.
- \$2,150,000,000 for information technology systems for coronavirus-related impacts on health care delivery. The Secretary is required to submit to the Committees on Appropriations of the Senate and House of Representatives a spend plan detailing the allocation of such funds between pay and associated costs, operations and maintenance, and information technology systems development.

### **Office of the Inspector General**

- \$12,500,000 for oversight and audit of programs, activities, grants, and projects provided under this title, to remain available until September 30, 2022.

### **Grants for Construction of State Extended Care Facilities**

- \$150,000,000, to remain available until September 30, 2021, for grants for construction of state extended care facilities, including to modify or alter existing hospital, nursing home, and domiciliary facilities in state homes.

### **Administrative Provisions**

- Amounts provided for medical services, medical community care, medical support and compliance, and medical facilities may be transferred between accounts. If the transfer is less than 2 percent of the total amount appropriated, the Committees on Appropriations of both Houses of Congress must be notified of the amount and purpose of the transfer. If more than 2 percent of the total amount is transferred, the Committees on Appropriations of both Houses of Congress must approve the transfer.

### **Armed Forces Retirement Home Trust Fund**

- \$2,800,000 provided through the Armed Forces Retirement Home Trust Fund to prevent, prepare for, and respond to the coronavirus at armed forces retirement homes.

### **Short-Term Agreements or Contracts with Telecommunications Providers to Expand Tele-Mental Health Services for Isolated Veterans During a Public Health Emergency**

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- Enables the Secretary of Veterans Affairs to enter into short-term agreements with telecommunications companies to provide temporary, subsidized, fixed, and mobile broadband services to expand mental health services to isolated veterans through telehealth or VA Video Connect during a public health emergency.
  - Allows the Secretary to expand eligibility of veterans to receive mental health services or other health care services delivered through telehealth or VA video connect, and provides that the Secretary may prioritize low-income veterans or veterans in underserved communities.

#### **Treatment of State Homes During Public Health Emergency**

- Waives occupancy rate requirements and veteran percentage requirements for state homes for purposes of receiving per diem payments for veteran's care in a public health emergency.

#### **Provision of Medicine, Equipment, and Supplies**

- Enables the Secretary to provide state homes with medicine, personal protective equipment, medical supplies, and any other equipment, supplies, and assistance in a public health emergency.

#### **Modifications to Veteran Directed Care Program of Department of Veterans Affairs**

- Waives requirements that new enrollments to the Veteran Directed Care Program be conducted in-person, as well as certain paperwork requirements, and prohibits suspensions and disenrollments from the Program during a public health emergency.

#### **Provision by Department of Veterans Affairs of Prosthetic Appliances Through Non-Department Providers During Public Health Emergency**

- Providing that veterans may receive prosthetic appliances from a non-Department provider under a contract with the Department during a public health emergency

#### **Waiver of Pay Caps for Employees of Department of Veterans Affairs During Public Health Emergencies**

- Waives caps on pay for Department employees during a public health emergency for work done in support of the response to the emergency and requires the Secretary to report monthly on the amount of waivers to the Committees on Veterans' Affairs of the Senate and House of Representatives.

#### **Provision by Department of Veterans Affairs of Personal Protective Equipment for Home Health Workers**

- Enables the Secretary to provide employees and contractors with personal protective equipment from the All Hazards Emergency Cache to provide home care to veterans during a public health emergency.

#### **Clarification of Treatment of Payments for Purposes of Eligibility for Veterans Pension and Other Veterans Benefits**

- Clarifies that rebate amounts paid to veterans under the CARES Act will not be treated as income for purposes of determining pension eligibility.

#### **Availability of Telehealth for Case Managers and Homeless Veterans**

- Directs the Secretary to ensure telehealth capabilities are available to case managers and homeless veterans during a public health emergency.

#### **Modifications to Comprehensive Service Programs for Homeless Veterans During a Public Health Emergency**

- Waives limitations on certain grants and per diem payments to homeless veterans during a public health emergency.

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## TITLE XI – DEPARTMENT OF STATE

### Administration of Foreign Affairs

- \$324,000,000, to remain available until September 30, 2022, for diplomatic programs, including necessary expenses to maintain consular operations and to provide for evacuation expenses and emergency preparedness.
- \$95,000,000, to remain available until September 30, 2022, for operating expenses of the U.S. Agency for International Development.
- \$258,000,000, to remain available until expended, for international disaster assistance.
- \$350,000,000, to remain available until expended, for migration and refugee assistance.
- \$88,000,000 for the Peace Corps, to remain available until September 30, 2022.

### General Provisions

- Sec. 21007 authorizes the Secretary of State and Administrator of the U.S. Agency for International Development to provide additional paid leave to address employee hardships resulting from the coronavirus.
- Sec. 21008 allows the Secretary of State to provide medical services or related support for private U.S. citizens, nationals, and permanent resident aliens abroad, or third-country nationals connected to such persons, or to U.S. diplomatic or development missions abroad that are otherwise unable to obtain such services. or support.
- Sec. 21009 provides that passport and immigrant visa surcharges may be used to provide consular services.
- Sec. 21010 authorizes the Secretary of State and Administrator of the U.S. Agency for International Development to enter into contracts with individuals to provide personal services to prevent, prepare for, and respond to the coronavirus within the United States and abroad, subject to prior consultation with the Senate Committees on Appropriations and the House Committees on Appropriations and Foreign Affairs.
- Sec. 21011 provides that the Secretary of State and Administrator of the U.S. Agency for International Development may authorize any oath of office to be administered remotely where circumstances would otherwise pose health risks.
- Sec. 21012 amends the International Development Association Act by authorizing the U.S. Governor of the International Development Association to contribute \$3,004,200,000 on behalf of the United States to the 19th replenishment of the International Development Association, authorizing a vote to increase the authorized capital stock of the International Finance Corporation, authorizing a vote to approve the 7th capital increase of the African Development Bank, authorizing U.S. contribution to the 15th replenishment of the African Development Fund, and by expanding and extending the New Arrangements to Borrow commitment.

## TITLE XII – TRANSPORTATION

### Office of the Secretary

- \$1,753,000, to remain available until expended, for salaries and expenses, including necessary expenses for operating costs and capital outlays.
- \$56,000,000 to the Essential Air Service and Rural Improvement Fund, to remain available until expended.

### Federal Aviation Administration

- \$10,000,000,000 for grants-in-aid for airports, to remain available until expended. This section establishes a formula for allocating such funds. The Administrator of the Federal Aviation Administration may retail up to 0.1 percent of such funds to fund the award and oversight by the Administrator of grants. All airports receiving funds under this section must continue to employ, through December 31, 2020, at least 90 percent of the number of individuals employed as of the date the CARES Act is enacted, unless the Secretary determines that this workforce retention requirement directly causes the

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airport to experience economic hardship or reduces aviation safety or security. The workforce retention requirement does not apply to nonhub airports or nonprimary airports.

- In addition to amounts already appropriated in fiscal year 2020 for “Motor Carrier Safety Operations and Programs,” \$150,000 in additional obligation limitation is provided and repurposed for obligations incurred to prevent, prepare for, and respond to the coronavirus.

#### **Federal Transit Administration**

- \$25,000,000,000 for “Transit Infrastructure Grants” to prevent, prepare for, and respond to the coronavirus, to remain available until expended. Funds provided under this section are to be apportioned in accordance with preexisting FTA formulas. Such funds may be used to reimburse operating expenses to maintain service and lost revenue due to the COVID-19 public health emergency, including the purpose of personal protective equipment and payment of administrative leave of operations personnel due to reductions in service.

#### **Federal Railroad Administration**

- \$250,000, to remain available until September 30, for safety and operations to prevent, prepare for, and respond to the coronavirus.
- \$492,000,000 for Northeast Corridor Grants to the National Railroad Passenger Corporation (Amtrak) in order to allow the Secretary of Transportation to make or amend existing grants to Amtrak.
- \$526,000,000 for National Network Grants to Amtrak, to remain available until expended, in order to allow the Secretary of Transportation to make or amend existing grants to Amtrak. This section also provides that (1) states may not be required to pay more than 80 percent of the amount paid in fiscal year 2019 under section 209 of the Passenger Rail Investment and Improvement Act of 2008 and (2) not less than \$239,000,000 of amounts available under this section may be used in lieu of increases in state payments.

#### **Maritime Administration**

- \$3,134,000, to remain available until September 30, 2021, for operations and training to prevent, prepare for, and respond to the coronavirus. Of this, \$1,000,000 shall be for operations of the U.S. Merchant Marine Academy.
- \$1,000,000 for “State Maritime Academy Operations,” to remain available until September 30, 2021, to prevent, prepare for, and respond to the coronavirus.

#### **Office of the Inspector General**

- \$5,000,000, to remain available until expended, for salaries and expenses. Such funding shall be used for conducting audits and investigations of project and activities carried out with funds made available to the Department of Transportation in the CARES Act.

### **Department of Housing and Urban Development**

#### **Management and Administration**

- \$35,000,000, to remain available until September 30, 2021, for the Office of the Chief Financial Officer, including for Department-wide salaries and expenses and information technology purposes, and to support teleworking.
- \$15,000,000, to remain available until September 30, 2021, for program offices, including \$5,000,000 for the Office of Public and Indian Housing and \$10,000,000 for the Office of Community Planning and Development.

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### **Public and Indian Housing**

- \$1,250,000,000, to remain available until expended, for tenant-based rental assistance, including to provide additional funds for public housing agencies to maintain normal operations and take other necessary actions during the coronavirus outbreak. \$850,000,000 of this shall be available for section 8 programs, including Mainstream vouchers.

### **Public Housing Operating Fund**

- \$685,000,000, to remain available until September 30, 2021, to provide additional funds for public housing agencies to maintain normal operations and take other necessary actions during the coronavirus outbreak. These funds may be used, among other things, to support or maintain the health and safety of assisted individuals and families, activities to support education and child care for impacted families, and sanitation and decontamination activities.
- The Secretary of Housing and Urban Development may extend expanded uses and funding flexibilities in additional 12-month increments if he or she finds that individuals and families assisted through public housing programs continue to require expanded services as a result of the coronavirus.
- The Secretary may also establish waivers or alternative requirements as necessary for the safe and effective administration of funds to prepare for, prevent, and respond to the coronavirus.

### **Native American Programs**

- \$300,000,000, to remain available until September 30, 2024, for Native American Programs established under title I of the Native American Housing Assistance and Self-Determination Act and title I of the Housing and Community Development Act of 1974. Not less than \$200,000,000 of this shall be used for Native American Housing Block Grants, including to reimburse allowable costs incurred prior to enactment of the CARES Act. Up to \$100,000,000 of the total \$300,000,000 provided in this section shall be available for grants to Indian tribes under the Indian Community Development Block Grant program for emergencies that constitute “imminent threats to health and safety.”
- The Secretary of Housing and Urban Development may waive or modify relevant statutory or regulatory requirements where necessary to expedite or facilitate the use of such funds to prevent, prepare for, or respond to the coronavirus.

### **Community Planning and Development Opportunities for Persons with AIDS**

- \$65,000,000 to maintain operations of the “Housing Opportunities for Persons with AIDS” program and for rental assistance, supportive services, and other necessary actions of the program.

### **Community Development Fund**

- \$5,000,000,000 for community development funds, to remain available until September 30, 2022.
- Funding under this section is to be distributed based on public health needs, risk of transmission of the coronavirus, number of coronavirus cases compared to the national average, economic and housing market disruptions, and other factors, as determined by the Secretary of Housing and Urban Development.
- The Secretary of Housing and Urban Development may waive or modify relevant statutory or regulatory requirements where necessary to expedite or facilitate the use of such funds to prevent, prepare for, or respond to the coronavirus.

### **Homeless Assistance Grants**

- \$4,000,000,000, to remain available until September 30, 2022, for housing assistance grants for individuals and families who are homeless or receiving homeless assistance and to support additional homeless assistance and homelessness prevention activities to mitigate the economic impacts of the coronavirus.
- Up to \$2,000,000,000 of the amount appropriated under this heading shall be distributed pursuant to existing HUD formulas to grantees that received allocations in fiscal year 2020. Remaining amounts will be allocated to states and local

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units of government pursuant to a formula established by the Secretary of Housing and Urban Development that takes into account factors such as risk of transmission of the coronavirus, high numbers or rates of sheltered and unsheltered homeless, and economic and housing market conditions.

- These funds may be used, among other things, to provide temporary emergency shelters.

#### **Housing Programs**

- \$1,000,000,000 for “Project-Based Rental Assistance” to owners or sponsors of section 8 housing projects.
- The Secretary of Housing and Urban Development may waive or modify relevant statutory or regulatory requirements where necessary to expedite or facilitate the use of such funds to prevent, prepare for, or respond to the coronavirus.

#### **Housing for the Elderly**

- \$500,000,000, to remain available until September 30, 2023, for assistance to owners or sponsors of housing properties receiving project-based assistance pursuant to section 202 of the Housing Act of 1959.
- The Secretary of Housing and Urban Development may waive or modify relevant statutory or regulatory requirements where necessary to expedite or facilitate the use of such funds to prevent, prepare for, or respond to the coronavirus.

#### **Housing for Persons with Disabilities**

- \$15,000,000, to remain available until September 30, 2023, for assistance to owners or sponsors of properties receiving project-based assistance under section 811 of the Cranston-Gonzalez National Affordable Housing Act.
- The Secretary of Housing and Urban Development may waive or modify relevant statutory or regulatory requirements where necessary to expedite or facilitate the use of such funds to prevent, prepare for, or respond to the coronavirus.

#### **Fair Housing and Equal Opportunity**

- \$2,500,000, to remain available until September 30, 2021, for fair housing activities, including \$1,500,000 for the Fair Housing Assistance Program Partnership for Special Enforcement grants, to address fair housing issues relating to the coronavirus and \$1,000,000 for the Fair Housing Initiatives Program, for education and outreach activities to educate the public about fair housing issues relating to the coronavirus.

#### **Office of the Inspector General**

- \$5,000,000 for the Office of the Inspector General, to remain available until expended, in order to conduct audits and investigations of projects and activities carried out with funds made available to HUD pursuant to the CARES Act.

#### **General Provisions**

- Sec. 22001 provides that up to \$25,000,000 of the funds made available for Federal Aviation Administration operations from the Airport and Airway Trust Fund may be used to prevent, prepare for, and respond to the coronavirus.
- Sec. 22002 provides that, for funding provided to Amtrak under this Act, the Secretary of Transportation may not waive certain pre-existing requirements under Title 49 of the U.S. Code and that Amtrak must comply with the Railway Retirement Act of 1974, the Railway Labor Act, and the Railroad Unemployment Insurance Act. In addition, the Secretary of Transportation must notify the House and Senate Committees on Appropriations, House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation of any employee furloughs resulting from efforts to prevent, prepare for, and respond to coronavirus.
- Sec. 22003 clarifies section 127(i)(1)(A) of title 23 of the U.S. Code, which allows states to issue special permits during an emergency to overweight vehicles and loads.

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- Sec. 22004 rescinds remaining unobligated funds made available for youth homelessness demonstration under the Consolidated Appropriations Act. An equivalent amount of funding is made available to complete awards made pursuant to the fiscal year 2018 youth homelessness demonstration.
  - Sec. 22005 authorizes the Secretary of Transportation to waive or postpone requirements under certain sections of the FAST Act or 23 C.F.R. part 1300 if (1) COVID-19 is having a substantial impact on the ability of a state or the Secretary to carry out responsibilities relating to grants, campaigns, or programs under those provisions or (2) the requirements of those provisions are having a substantial impact on the ability of a state or the Secretary to respond to COVID-19.

### **TITLE XIII – GENERAL PROVISIONS—THIS ACT**

- Among other things, this title establishes that funds made available by this Act may only be used to prevent, prepare for, and respond to the coronavirus. In addition, unless expressly provided, appropriations contained in this Act remain available only for the current fiscal year.