116TH CONGRESS
2D Session

S. 4318

To provide assistance to American workers, families, and employers during the COVID–19 pandemic.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2020

Mr. GRASSLEY introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide assistance to American workers, families, and employers during the COVID–19 pandemic.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “American Workers, Families, and Employers Assistance Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—FURTHER RELIEF FOR WORKERS AFFECTED BY CORONAVIRUS
Sec. 101. Improvements to Federal Pandemic Unemployment Compensation to better match lost wages.
Sec. 102. Supplemental emergency unemployment relief for governmental entities and nonprofit organizations.
Sec. 103. Conforming eligibility for Pandemic Unemployment Assistance to disaster unemployment assistance and accelerating appeal review.
Sec. 104. Improvements to State unemployment systems and strengthening program integrity.
Sec. 105. TANF Coronavirus Emergency Fund.

TITLE II—ASSISTANCE TO INDIVIDUALS, FAMILIES AND EMPLOYERS TO REOPEN THE ECONOMY

Subtitle A—Relief for Individuals and Families

Sec. 201. Additional 2020 recovery rebates for individuals.
Sec. 202. Modifications to recovery rebates made under the CARES Act.

Subtitle B—Job Creation and Employment

Sec. 211. Enhanced employee hiring and retention payroll tax credit.
Sec. 212. Expansion of work opportunity credit.
Sec. 213. Safe and healthy workplace tax credit.
Sec. 214. COVID–19 assistance provided to independent contractors.

Subtitle C—CARES Act Clarifications and Corrections

Sec. 221. Application of special rules to money purchase pension plans.
Sec. 222. Clarification of delay in payment of minimum required contributions.
Sec. 223. Employee certification as to eligibility for increased CARES Act loan limits from employer plan.
Sec. 224. Election to waive application of certain modifications to farming losses.
Sec. 225. Oversight and audit reporting.

TITLE III—SUPPORTING PATIENTS, PROVIDERS, OLDER AMERICANS, AND FOSTER YOUTH IN RESPONDING TO COVID–19

Subtitle A—Promoting Access to Care and Services

Sec. 301. Maintaining 2021 Medicare part B premium and deductible at 2020 levels consistent with actuarially fair rates.
Sec. 302. Improvements to the Medicare hospital accelerated and advance payments programs during the COVID–19 public health emergency.
Sec. 303. Authority to extend Medicare telehealth waivers.
Sec. 304. Extending Medicare telehealth flexibilities for Federally qualified health centers and rural health clinics.
Sec. 305. Temporary carryover for health and dependent care flexible spending arrangements.
Sec. 306. On-site employee clinics.
Sec. 307. Support for older foster youth.
Sec. 308. Court improvement program.

Subtitle B—Emergency Support and COVID–19 Protection for Nursing Homes

Sec. 311. Definitions.
Sec. 312. Establishing COVID–19 strike teams for nursing facilities.
Sec. 313. Promoting COVID–19 testing and infection control in nursing facilities.
Sec. 314. Promoting transparency in COVID–19 reporting by nursing facilities.
Sec. 315. Funding.

TITLE IV—ADDITIONAL FLEXIBILITY AND ACCOUNTABILITY FOR CORONAVIRUS RELIEF FUND PAYMENTS AND STATE TAX CERTAINTY FOR EMPLOYEES AND EMPLOYERS

Sec. 401. Expansion of allowable use of Coronavirus Relief Fund payments by States and Tribal and Local Governments.
Sec. 402. Accountability for the disbursement and use of State or government relief payments.
Sec. 403. State tax certainty for employers and employees.

TITLE V—EMERGENCY DESIGNATION

Sec. 501. Emergency designation.

1 TITLE I—FURTHER RELIEF FOR WORKERS AFFECTED BY CORONAVIRUS

SEC. 101. IMPROVEMENTS TO FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION TO BETTER MATCH LOST WAGES.

(a) Extension.—Section 2104(e)(2) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by striking “July 31, 2020” and inserting “December 31, 2020”.

(b) Improvements to Accuracy of Payments.—

(1) Federal pandemic unemployment compensation.—

(A) In general.—Section 2104(b) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A

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of the CARES Act (Public Law 116–136)) is amended—

(i) in paragraph (1)(B), by striking “of $600” and inserting “equal to the amount specified in paragraph (3)”;

(ii) by adding at the end the following new paragraph:

“(3) AMOUNT OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.—

“(A) IN GENERAL.—The amount specified in this paragraph is the following amount with respect to an individual:

“(i) For weeks of unemployment beginning after the date on which an agreement is entered into under this section and ending on or before July 31, 2020, $600.

“(ii) For weeks of unemployment beginning after the last week under clause (i) and ending before October 5, 2020; $200.

“(iii) Subject to subparagraph (B), for weeks of unemployment beginning after the last week under clause (ii) and ending before December 31, 2020, an amount (not to exceed $500) equal to one of the following:
“(I) Subject to subclause (II), an amount equal to—

“(aa) 70 percent of the individual’s average weekly wages;

minus

“(bb) the individual’s base amount (determined prior to any reductions or offsets).

“(II) If proposed by the State as an alternative to subclause (I) and approved by the Secretary, an amount that results in the sum of the base amount and the amount of Federal Pandemic Unemployment Compensation under this section being on average equal to 70 percent of lost wages.

“(B) WAIVER TO TEMPORARILY CONTINUE FLAT DOLLAR AMOUNT.—If a State determines that it is unable to calculate amounts under either subclause (I) or (II) of subparagraph (A)(iii), the State may apply to the Secretary for a waiver under which the amount specified under subparagraph (A)(ii) shall apply under this paragraph for weeks of unemployment be-
beginning after the last week under subparagraph (A)(ii) and ending before November 30, 2020.

“(C) BASE AMOUNT.—For purposes of this paragraph, the term ‘base amount’ means, with respect to an individual, an amount equal to—

“(i) for weeks of unemployment under the pandemic unemployment assistance program under section 2102, the amount determined under subsection (d)(1)(A)(i) or (d)(2) of such section 2102, as applicable; or

“(ii) for all other weeks of unemployment, the amount determined under paragraph (1)(A) of this subsection.

“(D) AVERAGE WEEKLY WAGES.—

“(i) IN GENERAL.—Subject to clause (ii), for purposes of this paragraph, the term ‘average weekly wages’ means, with respect to an individual, the following:

“(I) If the State computes the individual weekly unemployment compensation benefit amount based on an individual’s average weekly wages in a base period, an amount equal to the
individual’s average weekly wages used in such computation.

“(II) If the State computes the individual weekly unemployment compensation benefit amount based on high quarter wages or a formula using wages across some but not all quarters in a base period, an amount equal to $\frac{1}{13}$ of such high quarter wages or average wages of the applicable quarters used in the computation for the individual.

“(III) If the State uses computations other than the computations under subclause (I) or (II) for the individual weekly unemployment compensation benefit amount, or for computations of the weekly benefit amount under the pandemic unemployment assistance program under section 2102, as described in subsection (d)(1)(A)(i) or (d)(2) of such section 2102, for which subclause (I) or (II) do not apply, an amount equal
to \( \frac{1}{52} \) of the sum of all base period wages.

“(ii) SPECIAL RULE.—If more than one of the methods of computation under subclauses (I), (II), and (III) of clause (i) are applicable to a State, then such term shall mean the amount determined under the applicable subclause of clause (i) that results in the highest amount of average weekly wages.”.

(B) TECHNICAL AMENDMENT REGARDING APPLICATION TO SHORT-TIME COMPENSATION PROGRAMS AND AGREEMENTS.—Section 2104(i)(2) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended—

(i) in subparagraph (C), by striking “and” at the end;

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

(iii) by adding at the end the following:
“(E) short-time compensation under section 2108 or 2109.”.

(2) CONFORMING AMENDMENTS.—

(A) PANDEMIC UNEMPLOYMENT ASSISTANCE.—Section 2102(d) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by inserting “with respect to the individual” after “section 2104” in each of paragraphs (1)(A)(ii) and (2).

(B) PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 2107 of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended—

(i) in subsection (a)(4)(A)(ii), by inserting “with respect to the individual” after “section 2104”; and

(ii) in subsection (b)(2), by inserting “with respect to the individual” after “section 2104”.

(c) CONSISTENT TREATMENT OF EARNINGS AND UNEMPLOYMENT COMPENSATION.—Section 2104(h) of the
(d) Requirement for Return to Work Notification and Reporting.—Section 2104(b) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by adding at the end the following new paragraph:

“(3) Beginning 30 days after the date of enactment of this paragraph, any agreement under this section shall require that the State has in place a process to address refusal to return to work or refusal of suitable work that includes the following:

“(A) Providing a plain-language notice to individuals at the time of applying for benefits regarding State law provisions relating to each of the following:

“(i) Return to work requirements.

“(ii) Rights to refuse to return to work or to refuse suitable work.
“(iii) How to contest the denial of a claim that has been denied due to a claim by an employer that the individual refused to return to work or refused suitable work.

“(B) Providing a plain-language notice to employers through any system used by employers or any regular correspondence sent to employers regarding how to notify the State if an individual refuses to return to work.

“(C) Other items determined appropriate by the Secretary of Labor.”.

(e) EFFECTIVE DATE.—The amendments made by this section (other than the amendment made by subsection (d)) shall take effect as if included in the enactment of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)).

SEC. 102. SUPPLEMENTAL EMERGENCY UNEMPLOYMENT RELIEF FOR GOVERNMENTAL ENTITIES AND NONPROFIT ORGANIZATIONS.

(a) IN GENERAL.—Section 903(i)(1)(B) of the Social Security Act (42 U.S.C. 1103(i)(1)(B)) is amended by striking “one-half” and inserting “75 percent”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enact-
ment of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)).

SEC. 103. CONFORMING ELIGIBILITY FOR PANDEMIC UNEMPLOYMENT ASSISTANCE TO DISASTER UNEMPLOYMENT ASSISTANCE AND ACCELERATING APPEAL REVIEW.

(a) CONFIRMATION OF ELIGIBILITY FOR PANDEMIC UNEMPLOYMENT ASSISTANCE.—Section 2102(a) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i), by striking “and” at the end; and

(ii) by inserting after clause (ii) the following:

“(iii) provides documentation substantiating employment or self-employment or the planned commencement of employment or self-employment not later than 21 days after the date on which the individual submits an application for assistance under this section or is directed by the State
Agency to submit such documentation or has shown good cause under the applicable State law for failing to submit such documentation by the deadline, in accordance with section 625.6(e) of title 20, Code of Federal Regulations, or any successor thereto, except that such documentation shall not be required if the individual previously submitted such information to the State agency for the purpose of obtaining regular or other unemployment compensation; and''; and

(B) in subparagraph (B)—

(i) in clause (i), by striking “or” at the end;

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

(iii) by adding at the end the following:

“(iii) in accordance with section 625.6(e)(2) of title 20, Code of Federal Regulations, or any successor thereto, an individual who does not provide documentation substantiating employment or self-employment or the planned commence-
ment of employment or self-employment
under subparagraph (A)(iii).”;

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

(3) by inserting after paragraph (3) the fol-
lowing:

“(4) DOCUMENTATION SUBSTANTIATING EM-
PLOYMENT OR SELF-EMPLOYMENT OR THE
PLANNED COMMENCEMENT OF EMPLOYMENT OR
SELF-EMPLOYMENT.—The term ‘documentation sub-
stantiating employment or self-employment or the
planned commencement of employment or self-em-
ployment’ means documentation provided by the in-
dividual substantiating employment or self-employ-
ment and wages earned or paid for such employment
or self-employment, or such information related to
the planned commencement of employment or self-
employment.”.

(b) APPLICABILITY.—

(1) IN GENERAL.—Beginning not later than 30
days after the date of enactment of this Act, each
State shall require that documentation substan-
tiating employment or self-employment or the
planned commencement of employment or self-em-
ployment (as defined in section 2102 of the Relief
for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) be submitted by any individual who applies for pandemic unemployment assistance under section 2102 of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) on or after the date of enactment of this Act.

(2) Prior Applicants.—Any individual who applied for pandemic unemployment assistance under section 2102 of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) before the date of enactment of this Act and receives such assistance on or after the date of enactment of this Act shall submit documentation substantiating employment or self-employment or the planned commencement of employment or self-employment (as defined in such section 2102) not later than 90 days after the date of enactment of this Act or the individual will be ineligible to receive pandemic unemployment assistance under such section 2102.
(c) Conforming Eligibility for Pandemic Unemployment Assistance to Disaster Unemployment Assistance.—Section 2102(a)(3)(A) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)), as amended by subsection (a), is amended—

(1) in clause (ii)—

(A) in subclause (I), in the matter preceding item (aa), by inserting “in the employment or service described in clause (iv)” after “unavailable to work”; and

(B) in subclause (II), by striking “and” at the end; and

(2) by inserting after clause (iii), as added by subsection (a), the following:

“(iv) provides self-certification that the principal source of income and livelihood of the individual are dependent upon the individual’s employment for wages or the individual’s performance of service in self-employment; and”.

(d) Pandemic Unemployment Assistance Appeals.—
(1) AMENDMENT.—Section 2102 of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by adding at the end the following:

“(i) APPEALS BY AN INDIVIDUAL FILED IN THE 50 STATES, DISTRICT OF COLUMBIA, COMMONWEALTH OF PUERTO RICO, AND VIRGIN ISLANDS.—

“(1) IN GENERAL.—An individual may appeal any determination or redetermination regarding the rights to pandemic unemployment assistance under this section made by the State agency of a State, the District of Columbia, the Commonwealth of Puerto Rico, or the Virgin Islands (referred to in this subsection as ‘applicable States’). Such an appeal shall be made in accordance with the applicable State law.

“(2) REQUIREMENTS.—All levels of an appeal under paragraph (1) shall be—

“(A) carried out by the applicable State that made the determination or redetermination; and

“(B) conducted in the same manner and to the same extent as the applicable State would conduct appeals of determinations or redeter-
minations regarding rights to compensation under State law.’’.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)).

(3) APPLICABILITY.—The amendment made by paragraph (1) shall not affect any decision regarding the rights to pandemic unemployment assistance under section 2102 of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) issued on appeal or review before the date of enactment of this Act.

(e) TECHNICAL CORRECTION.—Section 2102(h) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by striking ‘‘section 625’’ each place it appears and inserting ‘‘part 625’’.

SEC. 104. IMPROVEMENTS TO STATE UNEMPLOYMENT SYSTEMS AND STRENGTHENING PROGRAM INTEGRITY.

(a) UNEMPLOYMENT COMPENSATION SYSTEMS.—
(1) IN GENERAL.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended—

(A) in the matter preceding paragraph (1), by striking “provision for—” and inserting “provision for each of the following:”;

(B) at the end of each of paragraphs (1) through (10) and paragraph (11)(B), by striking “; and” and inserting a period; and

(C) by adding at the end the following new paragraph:

“(13) The State system shall, in addition to meeting the requirements under section 1137, meet the following requirements:

“(A) The system shall be capable of handling a surge of claims that would represent a twentyfold increase in claims from January 2020 levels, occurring over a one-month period.

“(B) The system shall be capable of—

“(i) adjusting wage replacement levels for individuals receiving unemployment compensation;

“(ii) adjusting weekly earnings disregards, including the ability to adjust such disregards in relation to an individ-
ual’s earnings or weekly benefit amount;

and

“(iii) providing for wage replacement

levels that vary based on the duration of

benefit receipt.

“(C) The system shall have in place an

automated process for receiving and processing

claims for disaster unemployment assistance

under section 410(a) of the Robert T. Stafford

Disaster Relief and Emergency Assistance Act

(42 U.S.C. 5177(a)), with flexibility to adapt

rules regarding individuals eligible for assist-

ance and the amount payable.

“(D) In the case of a State that makes

payments of short-time compensation under a

short-time compensation program (as defined in

section 3306(v) of the Internal Revenue Code of

1986), the system shall have in place an auto-

mated process of receiving and processing

claims for short-time compensation.

“(E) The system shall have in place an

automated process for receiving and processing

claims for—

“(i) unemployment compensation for

Federal civilian employees under sub-
chapter I of chapter 85 of title 5, United States Code;

“(ii) unemployment compensation for ex-servicemembers under subchapter II of chapter 85 of title 5, United States Code; and

“(iii) trade readjustment allowances under sections 231 through 233 of the Trade Act of 1974 (19 U.S.C. 2291–2293).”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to weeks of unemployment beginning on or after the earlier of—

(A) the date the State changes its statutes, regulations, or policies in order to comply with such amendment; or

(B) October 1, 2023.

(b) ELECTRONIC TRANSMISSION OF UNEMPLOYMENT COMPENSATION INFORMATION.—Section 303 of the Social Security Act (42 U.S.C. 503) is amended by adding at the end the following new subsection:

“(n) ELECTRONIC TRANSMISSION OF UNEMPLOYMENT COMPENSATION INFORMATION.—

“(1) IN GENERAL.—Not later than October 1, 2022, the State agency charged with administration
of the State law shall use a system developed (in consultation with stakeholders) and designated by the Secretary of Labor for automated electronic transmission of requests for information relating to unemployment compensation and the provision of such information between such agency and employers or their agents.

“(2) USE OF APPROPRIATED FUNDS.—The Secretary of Labor may use funds appropriated for grants to States under this title to make payments on behalf of States as the Secretary determines is appropriate for the use of the system described in paragraph (1).

“(3) EMPLOYER PARTICIPATION.—The Secretary of Labor shall work with the State agency charged with administration of the State law to increase the number of employers using this system and to resolve any technical challenges with the system.

“(4) REPORTS ON USE OF ELECTRONIC SYSTEM.—After the end of each fiscal year, on a date determined by the Secretary, each State shall report to the Secretary information on—

“(A) the proportion of employers using the designated system described in paragraph (1);
“(B) the reasons employers are not using
such system; and
“(C) the efforts the State is undertaking
to increase employer’s use of such system.
“(5) ENFORCEMENT.—Whenever the Secretary
of Labor, after reasonable notice and opportunity for
hearing to the State agency charged with the admin-
istration of the State law, finds that there is a fail-
ure to comply substantially with the requirements of
paragraph (1), the Secretary of Labor shall notify
such State agency that further payments will not be
made to the State until the Secretary of Labor is
satisfied that there is no longer any such failure.
Until the Secretary of Labor is so satisfied, such
Secretary shall make no future certification to the
Secretary of the Treasury with respect to the
State.”.
(c) UNEMPLOYMENT COMPENSATION INTEGRITY
DATA HUB.—
(1) IN GENERAL.—Section 303(a) of the Social
Security Act (42 U.S.C. 503(a)), as amended by
subsection (a), is amended by adding at the end the
following new paragraph:
“(14) The State agency charged with adminis-
tration of the State law shall use the system des-
ignated by the Secretary of Labor for cross-match-
ing claimants of unemployment compensation under
State law against any databases in the system to
prevent and detect fraud and improper payments.”.

(2) EFFECTIVE DATE.—The amendment made
by paragraph (1) shall apply to weeks of unemploy-
ment beginning on or after the earlier of—

(A) the date the State changes its statutes,
regulations, or policies in order to comply with
such amendment; or

(B) October 1, 2022.

(d) REDUCING STATE BURDEN IN PROVIDING DATA
TO PREVENT AND DETECT FRAUD.—Section 303 of the
Social Security Act (42 U.S.C. 503), as amended by sub-
section (b), is amended by adding at the end the following
new subsection:

“(o) USE OF UNEMPLOYMENT CLAIMS DATA TO
PREVENT AND DETECT FRAUD.—The Inspector General
of the Department of Labor shall, for the purpose of iden-
tifying and investigating fraud in unemployment com-
pensation programs, have direct access to each of the fol-
lowing systems:

“(1) The system designated by the Secretary of
Labor for the electronic transmission of requests for
information relating to interstate claims for unemployment compensation.

“(2) The system designated by the Secretary of Labor for cross-matching claimants of unemployment compensation under State law against databases to prevent and detect fraud and improper payments (as referred to in subsection (a)(14)).”.

(c) Use of National Directory of New Hires in Administration of Unemployment Compensation Programs and Penalties on Noncomplying Employers.—

(1) In general.—Section 303 of the Social Security Act (42 U.S.C. 503), as amended by subsections (b) and (d), is amended by adding at the end the following new subsection:

““(p) Use of National Directory of New Hires.—

“(1) In general.—Not later than October 1, 2022, the State agency charged with administration of the State law shall—

“(A) compare information in the National Directory of New Hires established under section 453(i) against information about individuals claiming unemployment compensation to identify any such individuals who may have be-
come employed, in accordance with any regulations or guidance that the Secretary of Health and Human Services may issue and consistent with the computer matching provisions of the Privacy Act of 1974;

“(B) take timely action to verify whether the individuals identified pursuant to subparagraph (A) are employed; and

“(C) upon verification pursuant to subparagraph (B), take appropriate action to suspend or modify unemployment compensation payments, and to initiate recovery of any improper unemployment compensation payments that have been made.

“(2) ENFORCEMENT.—Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that there is a failure to comply substantially with the requirements of paragraph (1), the Secretary of Labor shall notify such State agency that further payments will not be made to the State until the Secretary of Labor is satisfied that there is no longer any such failure. Until the Secretary of Labor is so satisfied, such Secretary shall make no future certification to the
Secretary of the Treasury with respect to the State.”.

(2) Penalties.—

(A) In general.—Section 453A(d) of the Social Security Act (42 U.S.C. 653a(d)), in the matter preceding paragraph (1), is amended by striking “have the option to set a State civil money penalty which shall not exceed” and inserting “set a State civil money penalty which shall be no less than”.

(B) Effective date.—The amendment made by subparagraph (A) shall apply to penalties assessed on or after October 1, 2022.

(f) State Performance.—

(1) In general.—Section 303 of the Social Security Act (42 U.S.C. 503), as amended by subsections (b), (d), and (e), is amended by adding at the end the following new subsection:

“(q) State Performance.—

“(1) In general.—For purposes of assisting States in meeting the requirements of this title, title IX, title XII, or chapter 23 of the Internal Revenue Code of 1986 (commonly referred to as ‘the Federal Unemployment Tax Act’), the Secretary of Labor may—
“(A) consistent with subsection (a)(1), establish measures of State performance, including criteria for acceptable levels of performance, performance goals, and performance measurement programs;

“(B) consistent with subsection (a)(6), require States to provide to the Secretary of Labor data or other relevant information from time to time concerning the operations of the State or State performance, including the measures, criteria, goals, or programs established under paragraph (1);

“(C) require States with sustained failure to meet acceptable levels of performance or with performance that is substantially below acceptable standards, as determined based on the measures, criteria, goals, or programs established under subparagraph (A), to implement specific corrective actions and use specified amounts of the administrative grants under this title provided to such States to improve performance; and

“(D) based on the data and other information provided under subparagraph (B)—
“(i) to the extent the Secretary of Labor determines funds are available after providing grants to States under this title for the administration of State laws, recognize and make awards to States for performance improvement, or performance exceeding the criteria or meeting the goals established under subparagraph (A); or

“(ii) to the extent the Secretary of Labor determines funds are available after providing grants to States under this title for the administration of State laws, provide incentive funds to high-performing States based on the measures, criteria, goals, or programs established under subparagraph (A).

“(2) ENFORCEMENT.—Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that there is a failure to comply substantially with the requirements of paragraph (1), the Secretary of Labor shall notify such State agency that further payments will not be made to the State until the Secretary of Labor is satisfied that there is no longer any such failure.
Until the Secretary of Labor is so satisfied, such Secretary shall make no future certification to the Secretary of the Treasury with respect to the State.”

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act.

(g) FUNDING.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary of Labor $2,000,000,000 to assist States in carrying out the amendments made by this section, which may include regional or multi-State efforts. Amounts appropriated under the preceding sentence shall remain available until expended.

SEC. 105. TANF CORONAVIRUS EMERGENCY FUND.

(a) TEMPORARY FUND.—

(1) IN GENERAL.—Section 403 of the Social Security Act (42 U.S.C. 603) is amended by adding at the end the following:

“(c) TANF CORONAVIRUS EMERGENCY FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund which shall be known as the ‘Coronavirus Emergency Fund for State Temporary Assistance for Needy Families
Programs’ (in this subsection referred to as the ‘TANF Coronavirus Emergency Fund’).

“(2) DEPOSITS INTO FUND.—

“(A) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for the period of fiscal years 2020 through 2021, $2,000,000,000 for payment to the TANF Coronavirus Emergency Fund.

“(B) USE OF FUNDS.—Subject to subparagraph (C), the amounts appropriated to the TANF Coronavirus Emergency Fund under subparagraph (A) shall be used to make grants to States in fiscal years 2020 and 2021 in accordance with the requirements of paragraph (3).

“(C) ADMINISTRATION.—The Secretary may reserve up to $4,000,000 of the amount appropriated for the period of fiscal years 2020 through 2021 under subparagraph (A) for expenses related to administering this subsection.

“(D) LIMITATION.—In no case may the Secretary make a grant from the TANF Coronavirus Emergency Fund for a fiscal year after fiscal year 2021.
“(3) Grants to States for Increased Ex-
penditures for Basic Assistance, Non-Recur-
rent Short Term Benefits, and Work Sup-
ports.—

“(A) In general.—For each of the 3rd and 4th quarters of fiscal year 2020 and each quarter of fiscal year 2021, the Secretary shall make a grant from the TANF Coronavirus Emergency Fund to each State that—

“(i) requests a grant under this para-
graph for the quarter; and

“(ii) meets the requirements of sub-
paragraph (B) for the quarter.

“(B) Increased expenditures.—A State meets the requirements of this subpara-
graph for a quarter if—

“(i) the total amount expended by the State for the quarter under the State pro-
gram funded under this part or any other State program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for basic assistance, non-
recurrent short-term benefits, and work supports for eligible families, exceeds
“(ii) the total amount expended by the State for the 1st quarter of fiscal year 2020 under the State program funded under this part or any other State program funded with qualified State expenditures (as so defined) for basic assistance, non-recurrent short-term benefits, and work supports for eligible families.

“(C) AMOUNT OF GRANT.—Subject to paragraph (4), the amount of the grant payable to a State under this paragraph for a quarter shall be the amount equal to 80 percent of the excess of the expenditures for the quarter described in clause (i) of subparagraph (B) over the expenditures for the 1st quarter of fiscal year 2020 described in clause (ii) of that subparagraph.

“(D) AUTHORITY TO MAKE NECESSARY ADJUSTMENTS TO DATA AND COLLECT NEEDED DATA.—In determining the expenditures of a State for basic assistance, non-recurrent short-term benefits, and work supports during any quarter for which the State requests funds under this subsection, and for the 1st quarter of fiscal year 2020, the Secretary may make ap-
propriate adjustments to the data, on a State-
by-State basis, to ensure that the data are com-
parable. The Secretary may develop a mecha-
nism for collecting expenditure data, including
procedures which allow States to make reason-
able estimates, and may set deadlines for mak-
ing revisions to the data.

“(E) AVAILABILITY OF FUNDS.— Funds
paid to a State from a grant made for any
quarter of fiscal year 2020 or 2021 shall re-
main available for use by the State through
September 30, 2022.

“(4) GRANT LIMITED TO STATE PROPORTional
SHARE OF CHILDREN IN POVERTy.—

“(A) IN GENERAL.—With respect to a
State, the aggregate amount of the grants pay-
able to the State under paragraph (3) for the
3rd and 4th quarters of fiscal year 2020 and
each quarter of fiscal year 2021 shall not ex-
ceed the State child poverty proportion amount
determined for the State for fiscal year 2020
under subparagraph (B).

“(B) STATE CHILD POVERTy PROPORTion
AMOUNT.—The State child poverty proportion
amount determined under this subparagraph
for a State for fiscal year 2020 is the product of—

“(i) $2,000,000,000; and

“(ii) the quotient of—

“(I) the number of children in families with income below the poverty line in the State (as determined under subparagraph (C)); and

“(II) the number of children in families with income below the poverty line in all States (as so determined).

“(C) DATA.—

“(i) IN GENERAL.—For purposes of subparagraph (B)(ii), subject to clause (ii) of this subparagraph, the number of children in families with income below the poverty line shall be determined based on the most recent data available from the Bureau of the Census.

“(ii) OTHER DATA.—The number of children in families with income below the poverty line in the case of—

“(I) Puerto Rico, the United States Virgin Islands, Guam, and American Samoa may be determined
on the basis of the most recent data
are available from the Bureau of the
Census or such other poverty data as
the Secretary determines appropriate);
and
“(II) an Indian tribe, shall be de-
determined in proportion to the tribal
family assistance grant paid to the In-
dian tribe for fiscal year 2020.
“(5) DEFINITIONS.—In this subsection:
“(A) BASIC ASSISTANCE.—The term ‘basic
assistance’ means assistance including cash,
payments, vouchers, and other forms of benefits
designed to meet a family’s ongoing basic needs
as defined by the Secretary.
“(B) ELIGIBLE FAMILIES.—
“(i) IN GENERAL.—The term ‘eligible
family’ means a family (including a family
of one) that—
“(I) has 1 or more children who
have not attained 18 years of age; and
“(II) is in need as a result of the
public health emergency with respect
to the Coronavirus Disease 2019
(COVID-19) as determined by the State in accordance with clause (ii).

“(ii) CRITERIA FOR NEED BASED ON COVID-19 PUBLIC HEALTH EMERGENCY.— A State shall define and publish on a publicly available website maintained by the State the criteria for determining a family is in need as a result of the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) and shall report such criteria to the Secretary. The Secretary shall publish all the State criteria reported under this clause on a publicly available website maintained by the Secretary.

“(C) NON-RECURRENT SHORT-TERM BENEFITS.—The term ‘non-recurrent short-term benefits’ means benefits intended to address a specific crisis or need as defined by the Secretary.

“(D) POVERTY LINE.—The term ‘poverty line’ means the income official poverty line, as defined by the Office of Management and Budget, and revised annually in accordance
with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

“(E) State.—The term ‘State’ has the meaning given that term in section 419(5) and includes Indian tribes, as defined in section 419(4).

“(F) Work supports.—The term ‘work supports’ means benefits provided to help families obtain, retain, or advance in employment as defined by the Secretary.”.

(2) Repeal.—Effective October 1, 2021, subsection (c) of section 403 of the Social Security Act (42 U.S.C. 603) (as added by paragraph (1)) is repealed.

(b) Disregard from Limitation on Total Payments to Territories.—

(1) In general.—Section 1108(a)(2) of the Social Security Act (42 U.S.C. 1308(a)(2)) is amended by inserting “403(c)(3),” after “403(a)(5),”.

(2) Sunset.—Effective October 1, 2021, section 1108(a)(2) of the Social Security Act (42 U.S.C. 1308(a)(2)) is amended by striking “403(c)(3),” (as added by paragraph (1)).
TITLE II—ASSISTANCE TO INDIVIDUALS, FAMILIES AND EMPLOYERS TO REOPEN THE ECONOMY

Subtitle A—Relief for Individuals and Families

SEC. 201. ADDITIONAL 2020 RECOVERY REBATES FOR INDIVIDUALS.

(a) In General.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by inserting after section 6428 the following new section:

"SEC. 6428A. ADDITIONAL 2020 RECOVERY REBATES FOR INDIVIDUALS.

“(a) In General.—In addition to the credit allowed under section 6428, in the case of an eligible individual, there shall be allowed as a credit against the tax imposed by subtitle A for the first taxable year beginning in 2020 an amount equal to the sum of—

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

“(2) an amount equal to the product of $500 multiplied by the number of dependents (as defined in section 152(a)) of the taxpayer."
“(b) Treatment of Credit.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

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

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

“(2) $112,500 in the case of a head of household, and

“(3) $75,000 in the case of a taxpayer not described in paragraph (1) or (2).

“(d) Eligible Individual.—

“(1) In General.—For purposes of this section, the term ‘eligible individual’ means any individual who is not described in paragraph (2) and who was not deceased prior to January 1, 2020.

“(2) Exceptions.—An individual is described in this paragraph if such individual is—

“(A) a nonresident alien individual,

“(B) an individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in
the calendar year in which the individual’s taxable year begins, or

“(C) an estate or trust.

“(e) Coordination With Advance Refunds of Credit.—

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

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

“(f) Advance Refunds and Credits.—

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

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

“(3) TIMING AND MANNER OF PAYMENTS.—

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

“(B) DELIVERY OF PAYMENTS.—Notwithstanding any other provision of law, the Secretary may certify and disburse refunds payable under this subsection electronically to—

“(i) any account to which the payee received or authorized, on or after January 1, 2018, a refund of taxes under this title or of a Federal payment (as defined in section 3332 of title 31, United States Code),
“(ii) any account belonging to a payee from which that individual, on or after January 1, 2018, made a payment of taxes under this title, or

“(iii) any Treasury-sponsored account (as defined in section 208.2 of title 31, Code of Federal Regulations).

“(C) WAIVER OF CERTAIN RULES.—Notwithstanding section 3325 of title 31, United States Code, or any other provision of law, with respect to any payment of a refund under this subsection, a disbursing official in the executive branch of the United States Government may modify payment information received from an officer or employee described in section 3325(a)(1)(B) of such title for the purpose of facilitating the accurate and efficient delivery of such payment. Except in cases of fraud or reckless neglect, no liability under sections 3325, 3527, 3528, or 3529 of title 31, United States Code, shall be imposed with respect to payments made under this subparagraph.

“(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this section.
“(5) APPLICATION TO CERTAIN INDIVIDUALS
WHO DO NOT FILE A RETURN OF TAX FOR 2019.—

“(A) IN GENERAL.—In the case of an indi-

vidual who, at the time of any determination

made pursuant to paragraph (3), has not filed

a tax return for the year described in para-

graph (1), the Secretary may—

“(i) apply such paragraph by sub-

stituting ‘2018’ for ‘2019’,

“(ii) use information with respect to

such individual for calendar year 2019 pro-

vided in—

“(I) Form SSA–1099, Social Se-

curity Benefit Statement, or

“(II) Form RRB–1099, Social

Security Equivalent Benefit State-

ment, or

“(iii) use information with respect to

such individual which is provided by—

“(I) in the case of a specified so-

cial security beneficiary or a specified

supplemental security income recipi-

ent, the Commissioner of Social Secu-

rity,
“(II) in the case of a specified railroad retirement beneficiary, the Railroad Retirement Board, and
“(III) in the case of a specified veterans beneficiary, the Secretary of Veterans Affairs (in coordination with, and with the assistance of, the Commissioner of Social Security if appropriate).
“(B) Specified individual.—For purposes of this paragraph, the term ‘specified individual’ means any individual who is—
“(i) a specified social security beneficiary,
“(ii) a specified supplemental security income recipient,
“(iii) a specified railroad retirement beneficiary, or
“(iv) a specified veterans beneficiary.
“(C) Specified social security beneficiary.—For purposes of this paragraph, the term ‘specified social security beneficiary’ means any individual who, for the last month that ends prior to the date of enactment of this section, is entitled to any monthly insurance
benefit payable under title II of the Social Security Act (42 U.S.C. 401 et seq.), including payments made pursuant to sections 202(d), 223(g), and 223(i)(7) of such Act.

“(D) SPECIFIED SUPPLEMENTAL SECURITY INCOME RECIPIENT.—For purposes of this paragraph, the term ‘specified supplemental security income recipient’ means any individual who, for the last month that ends prior to the date of enactment of this section, is eligible for a monthly benefit payable under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) (other than a benefit to an individual described in section 1611(e)(1)(B) of such Act (42 U.S.C. 1382(e)(1)(B)), including—

“(i) payments made pursuant to section 1614(a)(3)(C) of such Act (42 U.S.C. 1382e(a)(3)(C)),

“(ii) payments made pursuant to section 1619(a) (42 U.S.C. 1382h(a)) or subsections (a)(4), (a)(7), or (p)(7) of section 1631 (42 U.S.C. 1383) of such Act, and

“(iii) State supplementary payments of the type referred to in section 1616(a) of such Act (42 U.S.C. 1382e(a)) (or pay-
ments of the type described in section 212(a) of Public Law 93–66 which are paid by the Commissioner under an agreement referred to in such section 1616(a) (or section 212(a) of Public Law 93–66).

“(E) Specified railroad retirement beneficiary.—For purposes of this paragraph, the term ‘specified railroad retirement beneficiary’ means any individual who, for the last month that ends prior to the date of enactment of this section, is entitled to a monthly annuity or pension payment payable (without regard to section 5(a)(ii) of the Railroad Retirement Act of 1974 (45 U.S.C. 231d(a)(ii))) under—

“(i) section 2(a)(1) of such Act (45 U.S.C. 231a(a)(1)),

“(ii) section 2(c) of such Act (45 U.S.C. 231a(c)),

“(iii) section 2(d)(1) of such Act (45 U.S.C. 231a(d)(1)), or

“(iv) section 7(b)(2) of such Act (45 U.S.C. 231f(b)(2)) with respect to any of the benefit payments described in subparagraph (C).
“(F) Specified veterans beneficiary.—For purposes of this paragraph, the term ‘specified veterans beneficiary’ means any individual who, for the last month that ends prior to the date of enactment of this section, is entitled to a compensation or pension payment payable under—

“(i) section 1110, 1117, 1121, 1131, 1141, or 1151 of title 38, United States Code,

“(ii) section 1310, 1312, 1313, 1315, 1316, or 1318 of title 38, United States Code,

“(iii) section 1513, 1521, 1533, 1536, 1537, 1541, 1542, or 1562 of title 38, United States Code, or

“(iv) section 1805, 1815, or 1821 of title 38, United States Code,


“(G) Subsequent determinations and redeterminations not taken into account.—For purposes of this section, any individual’s status as a specified social security ben-
beneficiary, a specified supplemental security income recipient, a specified railroad retirement beneficiary, or a specified veterans beneficiary shall be unaffected by any determination or redetermination of any entitlement to, or eligibility for, any benefit, payment, or compensation, if such determination or redetermination occurs after the last month that ends prior to the date of enactment of this section.

“(H) Payment to representative payees and fiduciaries.—

“(i) In general.—If the benefit, payment, or compensation referred to in subparagraph (C), (D), (E), or (F) with respect to any specified individual is paid to a representative payee or fiduciary, payment by the Secretary under paragraph (3) with respect to such specified individual shall be made to such individual’s representative payee or fiduciary and the entire payment shall be used only for the benefit of the individual who is entitled to the payment.

“(ii) Application of enforcement provisions.—
“(I) In the case of a payment described in clause (i) which is made with respect to a specified social security beneficiary or a specified supplemental security income recipient, section 1129(a)(3) of the Social Security Act (42 U.S.C. 1320a–8(a)(3)) shall apply to such payment in the same manner as such section applies to a payment under title II or XVI of such Act.

“(II) In the case of a payment described in clause (i) which is made with respect to a specified railroad retirement beneficiary, section 13 of the Railroad Retirement Act (45 U.S.C. 231l) shall apply to such payment in the same manner as such section applies to a payment under such Act.

“(III) In the case of a payment described in clause (i) which is made with respect to a specified veterans beneficiary, sections 5502, 6106, and 6108 of title 38, United States Code, shall apply to such payment in the
same manner as such sections apply
to a payment under such title.

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

“(g) IDENTIFICATION NUMBER REQUIREMENT.—

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

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

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

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

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

“(B) Adoption taxpayer identification number.—For purposes of paragraph (1)(C), in the case of a dependent who is adopted or placed for adoption, the term ‘valid identification number’ shall include the adoption taxpayer identification number of such dependent.

“(3) Special rule for members of the armed forces.—Paragraph (1)(B) shall not apply in the case where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year and at least 1 spouse satisfies paragraph (1)(A).

“(4) Mathematical or clerical error authority.—Any omission of a correct valid identification number required under this subsection shall be treated as a mathematical or clerical error for purposes of applying section 6213(g)(2) to such omission.

“(h) Special rules with respect to prisoners.—
“(1) Disallowance of credit.—

“(A) In general.—Subject to subparagraph (B), no credit shall be allowed under subsection (a) to an eligible individual who is, for each day during calendar year 2020, described in clause (i), (ii), (iii), (iv), or (v) of section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)).

“(B) Joint return.—In the case of eligible individuals filing a joint return where 1 spouse is described in subparagraph (A), subsection (a)(1) shall be applied by substituting ‘$1,200’ for ‘$2,400’.

“(2) Denial of advance refund or credit.—No refund or credit shall be made or allowed under subsection (f) with respect to any individual whom the Secretary has knowledge is, at the time of any determination made pursuant to paragraph (3) of such subsection, described in clause (i), (ii), (iii), (iv), or (v) of section 202(x)(1)(A) of the Social Security Act.

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

(b) DEFINITION OF DEFICIENCY.—Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended by striking “and 6428” and inserting “6428, and 6428A”.

c) TREATMENT OF POSSESSIONS.—Rules similar to the rules of subsection (c) of section 2201 of the CARES Act (Public Law 116–136) shall apply for purposes of this section.

d) EXCEPTION FROM REDUCTION OR OFFSET.—

(1) IN GENERAL.—Any credit or refund allowed or made to any individual by reason of section 6428A of the Internal Revenue Code of 1986 (as added by this section) or by reason of subsection (c) of this section shall not be—

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

(B) subject to reduction or offset pursuant to subsection (d), (e), or (f) of section 6402 of the Internal Revenue Code of 1986, or

(C) reduced or offset by other assessed Federal taxes that would otherwise be subject to levy or collection.
(2) Assignment of Benefits.—

(A) In General.—The right of any person to any applicable payment shall not be transferable or assignable, at law or in equity, and no applicable payment shall be subject to, execution, levy, attachment, garnishment, or other legal process, or the operation of any bankruptcy or insolvency law.

(B) Encoding of Payments.—In the case of an applicable payment described in subparagraph (D)(iii)(I) that is paid electronically by direct deposit through the Automated Clearing House (ACH) network, the Secretary of the Treasury (or the Secretary’s delegate) shall—

(i) issue the payment using a unique identifier that is reasonably sufficient to allow a financial institution to identify the payment as an applicable payment, and

(ii) further encode the payment pursuant to the same specifications as required for a benefit payment defined in section 212.3 of title 31, Code of Federal Regulations.

(C) Garnishment.—
(i) **ENCODED PAYMENTS.**—In the case of a garnishment order that applies to an account that has received an applicable payment that is encoded as provided in subparagraph (B), a financial institution shall follow the requirements and procedures set forth in part 212 of title 31, Code of Federal Regulations, except a financial institution shall not, with regard to any applicable payment, be required to provide the notice referenced in sections 212.6 and 212.7 of title 31, Code of Federal Regulations. This paragraph shall not alter the status of applicable payments as tax refunds or other nonbenefit payments for purpose of any reclamation rights of the Department of the Treasury or the Internal Revenue Service as per part 210 of title 31 of the Code of Federal Regulations.

(ii) **OTHER PAYMENTS.**—If a financial institution receives a garnishment order, other than an order that has been served by the United States or an order that has been served by a Federal, State, or local
child support enforcement agency, that has
been received by a financial institution and
that applies to an account into which an
applicable payment that has not been en-
coded as provided in subparagraph (B) has
been deposited electronically or by an ap-
picable payment that has been deposited
by check on any date in the lookback pe-
riod, the financial institution, upon the re-
quest of the account holder, shall treat the
amount of the funds in the account at the
time of the request, up to the amount of
the applicable payment (in addition to any
amounts otherwise protected under part
212 of title 31, Code of Federal Regula-
tions), as exempt from a garnishment
order without requiring the consent of the
party serving the garnishment order or the
judgment creditor.

(iii) LIABILITY.—A financial institu-
tion that acts in good faith in reliance on
clauses (i) or (ii) shall not be subject to li-
ability or regulatory action under any Fed-
eral or State law, regulation, court or other
order, or regulatory interpretation for actions concerning any applicable payments.

(D) DEFINITIONS.—For purposes of this paragraph—

(i) ACCOUNT HOLDER.—The term “account holder” means a natural person whose name appears in a financial institution’s records as the direct or beneficial owner of an account.

(ii) ACCOUNT REVIEW.—The term “account review” means the process of examining deposits in an account to determine if an applicable payment has been deposited into the account during the lookback period. The financial institution shall perform the account review following the procedures outlined in section 212.5 of title 31, Code of Federal Regulations and in accordance with the requirements of section 212.6 of title 31, Code of Federal Regulations.

(iii) APPLICABLE PAYMENT.—The term “applicable payment” means—

(I) any advance refund amount paid pursuant to subsection (f) of sec-
tion 6428A of the Internal Revenue Code of 1986 (as so added),

(II) any payment made by a possession of the United States with a mirror code tax system (as defined in subsection (c) of section 2201 of the CARES Act (Public Law 116–136)) pursuant to such subsection which corresponds to a payment described in subclause (I), and

(III) any payment made by a possession of the United States without a mirror code tax system (as so defined) pursuant to section 2201(c) of such Act.

(iv) GARNISHMENT.—The term “garnishment” means execution, levy, attachment, garnishment, or other legal process.

(v) GARNISHMENT ORDER.—The term “garnishment order” means a writ, order, notice, summons, judgment, levy, or similar written instruction issued by a court, a State or State agency, a municipality or municipal corporation, or a State child support enforcement agency, including a
lien arising by operation of law for overdue
child support or an order to freeze the as-
sets in an account, to effect a garnishment
against a debtor.

(vi) LOOKBACK PERIOD.—The term
“lookback period” means the two month
period that begins on the date preceding
the date of account review and ends on the
corresponding date of the month two
months earlier, or on the last date of the
month two months earlier if the cor-
responding date does not exist.

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

(f) APPROPRIATIONS TO CARRY OUT REBATES.—

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

(A) DEPARTMENT OF THE TREASURY.—

(i) For an additional amount for “Department of the Treasury—Internal Revenue Service—Taxpayer Services”, $29,027,000, to remain available until September 30, 2021.

(ii) For an additional amount for “Department of the Treasury—Internal Revenue Service—Operations Support”, $236,548,000, to remain available until September 30, 2021.

(iii) For an additional amount for “Department of the Treasury—Internal Revenue Service—Enforcement”, $54,425,000, to remain available until September 30, 2021.

Amounts made available in appropriations under this subparagraph may be transferred between such appropriations upon the advance notification of the Committees on Appropriations of the House of Representatives and the Sen-
ate. Such transfer authority is in addition to any other transfer authority provided by law.

(B) Social Security Administration.—

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

(2) Reports.—No later than 15 days after enactment of this Act, the Secretary of the Treasury shall submit a plan to the Committees on Appropriations of the House of Representatives and the Senate detailing the expected use of the funds provided by paragraph (1)(A). Beginning 90 days after enactment of this Act, the Secretary of the Treasury shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the actual expenditure of funds provided by paragraph (1)(A) and the expected expenditure of such funds in the subsequent quarter.

(g) Conforming Amendments.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “6428A,” after “6428,”.

(2) The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is
amended by inserting after the item relating to section 6428 the following:

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

SEC. 202. MODIFICATIONS TO RECOVERY REBATES MADE UNDER THE CARES ACT.

(a) Prohibition on Payments to Deceased Individuals.—Subsection (d) of section 6428 of the Internal Revenue Code of 1986 is amended to read as follows:

“(d) Eligible Individual.—

“(1) In general.—For purposes of this section, the term ‘eligible individual’ means any individual who is not described in paragraph (2) and who was not deceased prior to January 1, 2020.

“(2) Exceptions.—An individual is described in this paragraph if such individual is—

“(A) a nonresident alien individual,

“(B) an individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual’s taxable year begins, or

“(C) an estate or trust.”.

(b) Prohibition on Payments to Prisoners.—Section 6428 of the Internal Revenue Code of 1986 is amended—
(1) by redesignating subsection (h) as subsection (i), and

(2) by inserting after subsection (g) the following new subsection:

“(h) SPECIAL RULES WITH RESPECT TO PRISONERS.—

“(1) DISALLOWANCE OF CREDIT.—

“(A) IN GENERAL.—Subject to subparagraph (B), no credit shall be allowed under subsection (a) to an eligible individual who, for each day during calendar year 2020, is described in clause (i), (ii), (iii), (iv), or (v) of section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)).

“(B) JOINT RETURN.—In the case of eligible individuals filing a joint return where 1 spouse is described in subparagraph (A), subsection (a)(1) shall be applied by substituting ‘$1,200’ for ‘$2,400’.

“(2) DENIAL OF ADVANCE REFUND OR CREDIT.—No refund or credit shall be made or allowed under subsection (f) with respect to any individual whom the Secretary has knowledge is, at the time of any determination made pursuant to paragraph (3) of such subsection, described in clause (i), (ii), (iii),
(iv), or (v) of section 202(x)(1)(A) of the Social Security Act.”.

(c) Protection of Recovery Rebates.—Subsection (d) of section 2201 of the CARES Act (Public Law 116–136) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), and by moving such subparagraphs 2 ems to the right,

(2) by striking “Reduction or Offset.—Any credit” and inserting “Reduction, Offset, Garnishment, etc.—

“(1) In General.—Any credit”, and

(3) by adding at the end the following new paragraphs:

“(2) Assignment of Benefits.—

“(A) In General.—The right of any person to any applicable payment shall not be transferable or assignable, at law or in equity, and no applicable payment shall be subject to, execution, levy, attachment, garnishment, or other legal process, or the operation of any bankruptcy or insolvency law.

“(B) Encoding of Payments.—As soon as practicable, but not earlier than 10 days after the date of the enactment of this para-
graph, in the case of an applicable payment described in subparagraph (D)(iii)(I) that is paid electronically by direct deposit through the Automated Clearing House (ACH) network, the Secretary of the Treasury (or the Secretary’s delegate) shall—

“(i) issue the payment using a unique identifier that is reasonably sufficient to allow a financial institution to identify the payment as an applicable payment, and

“(ii) further encode the payment pursuant to the same specifications as required for a benefit payment defined in section 212.3 of title 31, Code of Federal Regulations.

“(C) GARNISHMENT.—

“(i) ENCODED PAYMENTS.—In the case of a garnishment order received after the date that is 10 days after the date of the enactment of this paragraph and that applies to an account that has received an applicable payment that is encoded as provided in subparagraph (B), a financial institution shall follow the requirements and procedures set forth in part 212 of title
31, Code of Federal Regulations, except a financial institution shall not, with regard to any applicable payment, be required to provide the notice referenced in sections 212.6 and 212.7 of title 31, Code of Federal Regulations. This paragraph shall not alter the status of applicable payments as tax refunds or other nonbenefit payments for purpose of any reclamation rights of the Department of the Treasury or the Internal Revenue Service as per part 210 of title 31 of the Code of Federal Regulations.

“(ii) Other Payments.—If a financial institution receives a garnishment order, other than an order that has been served by the United States or an order that has been served by a Federal, State, or local child support enforcement agency, that has been received by a financial institution after the date that is 10 days after the date of the enactment of this paragraph and that applies to an account into which an applicable payment that has not been encoded as provided in subparagraph...
(B) has been deposited electronically or by
an applicable payment that has been de-
posited by check on any date in the
lookback period, the financial institution,
upon the request of the account holder,
shall treat the amount of the funds in the
account at the time of the request, up to
the amount of the applicable payment (in
addition to any amounts otherwise pro-
tected under part 212 of title 31, Code of
Federal Regulations), as exempt from a
garnishment order without requiring the
consent of the party serving the garnish-
ment order or the judgment creditor.

“(iii) LIABILITY.—A financial institu-
tion that acts in good faith in reliance on
clauses (i) or (ii) shall not be subject to li-
ability or regulatory action under any Fed-
eral or State law, regulation, court or other
order, or regulatory interpretation for ac-
tions concerning any applicable payments.

“(D) DEFINITIONS.—For purposes of this
paragraph—

“(i) ACCOUNT HOLDER.—The term
‘account holder’ means a natural person
whose name appears in a financial institution’s records as the direct or beneficial owner of an account.

“(ii) ACCOUNT REVIEW.—The term ‘account review’ means the process of examining deposits in an account to determine if an applicable payment has been deposited into the account during the lookback period. The financial institution shall perform the account review following the procedures outlined in section 212.5 of title 31, Code of Federal Regulations and in accordance with the requirements of section 212.6 of title 31, Code of Federal Regulations.

“(iii) APPLICABLE PAYMENT.—The term ‘applicable payment’ means—

“(I) any advance refund amount paid pursuant to subsection (f) of section 6428 of the Internal Revenue Code of 1986,

“(II) any payment made by a possession of the United States with a mirror code tax system (as defined in subsection (c)) pursuant to such sub-
section which corresponds to a pay-
ment described in subclause (I), and

“(III) any payment made by a
possession of the United States with-
out a mirror code tax system (as so
deﬁned) pursuant to subsection (c).

“(iv) Garnishment.—The term ‘gar-
nishment’ means execution, levy, attach-
ment, garnishment, or other legal process.

“(v) Garnishment Order.—The
term ‘garnishment order’ means a writ,
order, notice, summons, judgment, levy, or
similar written instruction issued by a
court, a State or State agency, a munici-
pality or municipal corporation, or a State
child support enforcement agency, includ-
ing a lien arising by operation of law for
overdue child support or an order to freeze
the assets in an account, to effect a gar-
nishment against a debtor.

“(vi) Lookback Period.—The term
‘lookback period’ means the two month pe-
riod that begins on the date preceding the
date of account review and ends on the
corresponding date of the month two
months earlier, or on the last date of the month two months earlier if the corresponding date does not exist.”.

(d) EFFECTIVE DATES.—

(1) PROHIBITIONS.—The amendments made by subsections (a) and (b) shall take effect as if included in section 2201 of the CARES Act.

(2) PROTECTION.—The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

Subtitle B—Job Creation and Employment

SEC. 211. ENHANCED EMPLOYEE HIRING AND RETENTION PAYROLL TAX CREDIT.

(a) INCREASE IN CREDIT PERCENTAGE.—Section 2301(a) of the CARES Act is amended by striking “50 percent” and inserting “65 percent”.

(b) INCREASE IN PER EMPLOYEE LIMITATION.—Section 2301(b)(1) of the CARES Act is amended by striking “for all calendar quarters shall not exceed $10,000.” and inserting “shall not exceed—

“(A) $10,000 in any calendar quarter, and

“(B) $30,000 in the aggregate for all calendar quarters.”.
(c) Modifications to Definition of Eligible Employer.—

(1) Decrease of reduction in gross receipts necessary to qualify as eligible employer.—Section 2301(c)(2)(B)(i) of the CARES Act (Public Law 116–136) is amended by striking “50 percent” and inserting “75 percent”.

(2) Election to determine gross receipts test based on prior quarter.—Section 2301(c)(2) of the CARES Act is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

“(C) Election to use alternative quarter.—At the election of an employer who was not an eligible employer for the calendar quarter ending on June 30, 2020, subparagraph (B)(i) shall be applied—

“(i) by substituting ‘for the prior calendar quarter’ for ‘for the calendar quarter’, and

“(ii) by substituting ‘the corresponding calendar quarter in the prior year’ for ‘the same calendar quarter in the prior year’.
An election under this subparagraph shall be made at such time and in such manner as the Secretary shall prescribe.”.

(d) Gross Receipts of Tax-Exempt Organizations.—Section 2301(c)(2)(D) of the CARES Act (as redesignated by subsection (c)(2)) is amended—

(1) by striking “of such Code, clauses (i) and (ii)(I)” and inserting “of such Code—

“(i) clauses (i) and (ii)(I),

(2) by striking the period at the end and inserting “, and”, and

(3) by adding at the end the following new clause:

“(ii) any reference in this section to gross receipts shall be treated as a reference to gross receipts within the meaning of section 6033 of such Code.”.

(e) Modification of Determination of Qualified Wages.—

(1) Modification of Threshold for Treatment as a Large Employer.—Section 2301(c)(3)(A) of the CARES Act is amended by striking “100” each place it appears in clauses (i) and (ii) and inserting “500”.

•S 4318 IS
(2) Elimination of limitation.—Section 2301(e)(3) of the CARES Act is amended—

(A) by striking subparagraph (B), and

(B) by striking “Such term” in the second sentence of subparagraph (A) and inserting the following:

“(B) Exception.—The term ‘qualified wages’.”.

(3) Modification of treatment of health plan expenses.—Section 2301(e) of the CARES Act is amended—

(A) by striking subparagraph (C) of paragraph (3), and

(B) by striking paragraph (5) and inserting the following:

“(5) Wages.—

“(A) In general.—The term ‘wages’ means wages (as defined in section 3121(a) of the Internal Revenue Code of 1986) and compensation (as defined in section 3231(e) of such Code).

“(B) Allowance for certain health plan expenses.—

“(i) In general.—Such term shall include amounts paid or incurred by the el-
igible employer to provide and maintain a
group health plan (as defined in section
5000(b)(1) of the Internal Revenue Code
of 1986), but only to the extent that such
amounts are excluded from the gross in-
come of employees by reason of section
106(a) of such Code.

“(ii) Allocation rules.—For pur-
poses of this section, amounts treated as
wages under clause (i) shall be treated as
paid with respect to any employee (and
with respect to any period) to the extent
that such amounts are properly allocable to
such employee (and to such period) in such
manner as the Secretary may prescribe.
Except as otherwise provided by the Sec-
retary, such allocation shall be treated as
properly made if made on the basis of
being pro rata among periods of cov-
erage.”.

(f) Improved Coordination With Paycheck Pro-
tection Program.—

(1) Amendment to paycheck protection
program.—Section 1106(a)(8) of the CARES Act
is amended by striking “of this Act.” and inserting
of this Act, except that such costs shall not include qualified wages (as defined in section 2301(e) of this Act) which—

“(A) are paid or incurred in calendar quarters beginning after June 30, 2020, and

“(B) are taken into account in determining the credit allowed under section 2301 of this Act.”.

(2) AMENDMENTS TO EMPLOYEE RETENTION TAX CREDIT.—

(A) IN GENERAL.—Section 2301(g) of the CARES Act is amended to read as follows:

“(g) ELECTION TO NOT TAKE CERTAIN WAGES INTO ACCOUNT.—

“(1) IN GENERAL.—This section shall not apply to qualified wages paid by an eligible employer with respect to which such employer makes an election (at such time and in such manner as the Secretary may prescribe) to have this section not apply to such wages.

“(2) COORDINATION WITH PAYCHECK PROTECTION PROGRAM.—The Secretary, in consultation with the Administrator of the Small Business Administration, shall issue guidance providing that payroll costs paid or incurred during the covered pe-
period shall not fail to be treated as qualified wages under this section by reason of an election under paragraph (1) to the extent that a covered loan of the eligible employer is not forgiven under section 1106(b) by reason of such payroll costs. Terms used in the preceding sentence which are also used in section 1106 shall have the same meaning as when used in such section.”.

(B) Conforming Amendments.—Section 2301(j) of the CARES Act is amended by inserting “for any calendar quarter beginning after June 30, 2020” before the period at the end.

(g) Denial of Double Benefit.—Section 2301(h) of the CARES Act is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

“(1) Denial of Double Benefit.—Any wages taken into account in determining the credit allowed under this section shall not be taken into account as wages for purposes of sections 45A, 45B, 45P, 45S, 51, and 1396 of the Internal Revenue Code of 1986.”, and

(2) by redesignating paragraph (3) as paragraph (2).
(h) Regulatory Authority.—Section 2301(l) of the CARES Act is amended by striking “and” at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting “, and”, and by adding at the end the following new paragraph:

“(6) to prevent the avoidance of the purposes of the limitations under this section, including through the leaseback of employees.”.

(i) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to the calendar quarters beginning after June 30, 2020.

(2) Retroactive application of certain amendments.—

(A) In general.—The amendments made subsections (d), (e)(3), and (h) shall take effect as if included in section 2301 of the CARES Act.

(B) Special rule.—

(i) In general.—For purposes of section 2301 of the CARES Act, an employer who has filed a return of tax with respect to applicable employment taxes (as defined in section 2301(c)(1) of such Act)
before the date of the enactment of this Act may elect (in such manner as the Secretary of the Treasury (or the Secretary’s delegate) shall prescribe) to treat any applicable amount as an amount paid in the calendar quarter which includes the date of the enactment of this Act.

(ii) APPLICABLE AMOUNT.—For purposes of clause (i), the term “applicable amount” means the amount of wages described in section 2301(c)(5)(B) of the CARES Act, as added by the amendments made by subsection (e)(3)), which—

(I) were paid or incurred in a calendar quarter beginning after December 31, 2019, and before July 1, 2020, and

(II) were not taken into account by the taxpayer in calculating the credit allowed under section 2301(a) of such Act for such calendar quarter.

SEC. 212. EXPANSION OF WORK OPPORTUNITY CREDIT.

(a) In General.—Section 51(d)(1) of the Internal Revenue Code of 1986 is amended by striking “or” at the end of subparagraph (I), by striking the period at the end
of subparagraph (J) and inserting “, or”, and by adding
at the end the following new subparagraph:

“(K) a qualified 2020 COVID–19 unemployment recipient.”.

(b) QUALIFIED 2020 COVID–19 UNEMPLOYMENT
RECIPIENT.—Section 51(d) of the Internal Revenue Code
of 1986 is amended by adding at the end the following
new paragraph:

“(16) QUALIFIED 2020 COVID–19 UNEMPLOY-
MENT RECIPIENT.—The term ‘qualified 2020
COVID–19 unemployment recipient’ means any indi-
vidual who—

“(A) is certified by the designated local
agency as having received, or having been ap-
proved to receive, unemployment compensation
under State or Federal law for either of—

“(i) the week immediately preceding
the hiring date, or

“(ii) the week which includes the hir-
ing date, and

“(B) begins work for the employer before
January 1, 2021.”.

(e) INCREASED CREDIT PERCENTAGE.—

(1) IN GENERAL.—Section 51(a) of the Internal
Revenue Code of 1986 is amended by inserting “(50
percent in the case of a qualified 2020 COVID–19
unemployment recipient)” after “40 percent”.

(2) Reduction for certain individuals.—
Section 51(i)(3)(A) of such Code is amended—

(A) by striking “shall be applied by” and
inserting “shall be applied—

“(i) by”,

(B) by striking the period at the end and
inserting “and”, and

(C) by adding at the end the following new
clause:

“(ii) by substituting ‘25 percent’ for
‘50 percent’.”.

(d) Increased limitation on wages taken into
account.—Section 51(b)(3) of the Internal Revenue
Code of 1986 is amended by inserting “$10,000 per year
in the case of a qualified 2020 COVID–19 unemployment
recipient,” after “$6,000 per year (”.

(e) Rehires eligible for credit.—Section
51(i)(2) of the Internal Revenue Code of 1986 is amend-
ed—

(1) by striking “No wages” and inserting the
following:

“(A) In general.—No wages”, and
(2) by adding at the end the following new sub-paragraph:

“(B) EXCEPTION.—

“(i) IN GENERAL.—This paragraph shall not apply to any qualified 2020 COVID–19 unemployment recipient.

“(ii) REGULATIONS AND GUIDANCE.— The Secretary shall prescribe such regulations and other guidance as may be necessary to prevent the abuse of the purposes of this subparagraph, including through the termination of employment of an individual by an employer for the purposes of claiming the credit allowed under this subsection by reason of the application of clause (i).”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 213. SAFE AND HEALTHY WORKPLACE TAX CREDIT.

(a) IN GENERAL.—In the case of an employer, there shall be allowed as a credit against applicable employment taxes for each calendar quarter an amount equal to 50 percent of the sum of—

(1) the qualified employee protection expenses,
(2) the qualified workplace reconfiguration expenses, and

(3) the qualified workplace technology expenses, paid or incurred by the employer during such calendar quarter.

(b) LIMITATIONS AND REFUNDABILITY.—

(1) OVERALL DOLLAR LIMITATION ON CREDIT.—

(A) IN GENERAL.—The amount of the credit allowed under subsection (a) with respect to any employer for any calendar quarter shall not exceed the excess (if any) of—

(i) the applicable dollar limit with respect to such employer for such calendar quarter, over

(ii) the aggregate credits allowed under subsection (a) with respect to such employer for all preceding calendar quarters.

(B) APPLICABLE DOLLAR LIMIT.—The term “applicable dollar limit” means, with respect to any employer for any calendar quarter, the sum of—

(i) $1,000, multiplied by the average number of employees employed by such
employer during such calendar quarter not
in excess of 500, plus

(ii) $750, multiplied by such average
number of employees in excess of 500 but
not in excess of 1,000, plus

(iii) $500, multiplied by such average
number of employees in excess of 1,000.

(2) **Credit limited to employment taxes.**—The credit allowed by subsection (a) with
respect to any calendar quarter shall not exceed the
applicable employment taxes (reduced by any credits
allowed under subsections (e) and (f) of section
3111 of the Internal Revenue Code of 1986, sections
7001 and 7003 of the Families First Coronavirus
Response Act, and section 2301 of the CARES Act)
on the wages paid with respect to the employment
of all the employees of the employer for such cal-
endar quarter.

(3) **Refundability of excess credit.**—

(A) **In general.**—If the amount of the
credit under subsection (a) exceeds the limita-
tion of paragraph (2) for any calendar quarter,
such excess shall be treated as an overpayment
that shall be refunded under sections 6402(a)
and 6413(b) of the Internal Revenue Code of 1986.

(B) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, any amounts due to the employer under this paragraph shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(e) QUALIFIED EMPLOYEE PROTECTION EXPENSES.—For purposes of this section, the term “qualified employee protection expenses” means amounts paid or incurred by the employer for—

(1) testing (including on a periodic basis) employees and customers of the employer for coronavirus disease 2019, hereafter referred to in this section as “COVID–19” (including antibodies related to COVID–19),

(2) equipment to protect employees and customers of the employer from contracting COVID–19, including masks, gloves, and disinfectants, and

(3) cleaning products or services related to preventing the spread of COVID–19.

(d) QUALIFIED WORKPLACE RECONFIGURATION EXPENSES.—For purposes of this section—
(1) IN GENERAL.—The term “qualified workplace reconfiguration expenses” means amounts paid or incurred by the employer to design and reconfigure retail space, work areas, break areas, or other areas that employees or customers regularly use in the ordinary course of the employer’s trade or business if such design and reconfiguration—

(A) has a primary purpose of preventing the spread of COVID–19,

(B) is with respect to tangible property (within the meaning of section 168 of the Internal Revenue Code of 1986) which is located in the United States and which is leased or owned by the employer,

(C) is commensurate with the risks faced by the employees or customers, or is consistent with recommendations made by the Centers for Disease Control and Prevention or the Occupational Safety and Health Administration,

(D) is completed pursuant to a reconfiguration (or similar) plan that was not in place before March 13, 2020, and

(E) is completed before January 1, 2021.

(2) REGULATIONS.—The Secretary shall prescribe such regulations and other guidance as may
be necessary or appropriate to carry out the purposes of this subsection, including guidance defining primary purpose and reconfiguration plan.

(c) Qualified Workplace Technology Expenses.—For purposes of this section—

(1) In general.—The term “qualified workplace technology expenses” means amounts paid or incurred by the employer for technology systems that employees or customers use in the ordinary course of the employer’s trade or business if such technology system—

(A) has a primary purpose of preventing the spread of COVID–19,

(B) is used for limiting physical contact between customers and employees in the United States,

(C) is commensurate with the risks faced by the employees or customers, or is consistent with recommendations made by the Centers for Disease Control and Prevention or the Occupational Safety and Health Administration,

(D) is acquired by the employer on or after March 13, 2020, and is not acquired pursuant to a plan that was in place before such date, and
(E) is placed in service by the employer before January 1, 2021.

(2) TECHNOLOGY SYSTEMS.—The term “technology systems” means computer software (as defined in section 167(f)(1) of the Internal Revenue Code of 1986) and qualified technological equipment (as defined in section 168(i)(2) of such Code).

(3) REGULATIONS.—The Secretary shall prescribe such regulations and other guidance as may be necessary or appropriate to carry out the purposes of this subsection, including guidance defining the terms “primary purpose” and “plan”.

(f) OTHER DEFINITIONS.—For purposes of this section—

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

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

(B) So much of the taxes imposed under section 3221(a) of such Code as are attributable to the rate in effect under section 3111(a) of such Code.

(2) COVID–19.—Except where the context clearly indicates otherwise, any reference in this sec-
tion to COVID–19 shall be treated as including a reference to the virus which causes COVID–19.

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

(4) OTHER TERMS.—Any term used in this section which is also used in chapter 21 or 22 of the Internal Revenue Code of 1986 shall have the same meaning as when used in such chapter.

(g) CERTAIN GOVERNMENTAL EMPLOYERS.—This section shall not apply to the Government of the United States, the government of any State or political subdivision thereof, or any agency or instrumentality of any of the foregoing.

(h) RULES RELATING TO EMPLOYER, ETC.—

(1) AGGREGATION RULE.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986, or subsection (m) or (o) of section 414 of such Code, shall be treated as one employer for purposes of this section.

(2) THIRD-PARTY PAYORS.—Any credit allowed under subsection (a) shall be treated as a credit described in section 3511(d)(2) of such Code.
(i) TREATMENT OF DEPOSITS.—The Secretary shall
waive any penalty under section 6656 of the Internal Rev-

(1) CREDIT FOR SELF-EMPLOYED INDIVIDUALS.—

(1) IN GENERAL.—In the case of a self-em-
ployed individual, there shall be allowed as a credit
against the tax imposed by subtitle A of the Internal
Revenue Code of 1986 for any taxable year an
amount equal to 50 percent of the sum of—

(A) the qualified employee protection ex-
penses (as determined by treating the self-em-
ployed individual both as the employer and an
employee),

(B) the qualified workplace reconfiguration
expenses (as so determined), and

(C) the qualified workplace technology ex-
penses (as so determined),
paid or incurred by the individual during such tax-
able year.

(2) LIMITATION.—The amount of the credit al-
lowed under paragraph (1) with respect to any self-
employed individual for any taxable year shall not exceed $500.

(3) Refundability.—

(A) In general.—The credit determined under paragraph (1) shall be treated as a credit allowed to the taxpayer under subpart C of part IV of subchapter A of chapter 1 of such Code.

(B) Treatment of payments.—For purposes of section 1324 of title 31, United States Code, any refund due from the credit determined under paragraph (1) shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(4) Self-employed individual.—

(A) In general.—For purposes of this section, the term “self-employed individual” means an individual who regularly carries on any trade or business within the meaning of section 1402 of the Internal Revenue Code of 1986, other than any such trade or business which is carried on by a partnership.

(B) Documentation.—No credit shall be allowed under paragraph (1) to any individual unless the individual maintains such docu-
mentation as the Secretary may prescribe to establish such individual as an eligible self-employed individual.

(k) **Special Rules.**—

(1) **Denial of Double Benefit.**—For purposes of this section—

(A) **In General.**—Any deduction or other credit otherwise allowable under any provision of the Internal Revenue Code of 1986 with respect to any expense for which a credit is allowed under this section shall be reduced by the amount of the credit under this section with respect to such expense.

(B) **Basis Adjustment.**—If a credit is allowed under this section with respect to any property of a character which is subject to the allowance for depreciation under section 167 of such Code, the basis of such property shall be reduced by the amount of the credit so allowed, and such reduction shall be taken into account before determining the amount of any allowance for depreciation with respect to such property for purposes of such Code.

(C) **Expenses Not Taken into Account More Than Once.**—The same expense shall
not be treated as described in more than one paragraph of subsection (a) or more than one subparagraph of subsection (j)(1), whichever is applicable.

(D) EMPLOYER OR SELF-EMPLOYMENT CREDIT ALLOWED.—The credit under subsection (a) and the credit for self-employed individuals under subsection (j) shall not apply to the same taxpayer.

(2) ELECTION NOT TO HAVE SECTION APPLY.—This section shall not apply with respect to any employer for any calendar quarter, or with respect to any self-employed individual for any taxable year, if such employer or self-employed individual elects (at such time and in such manner as the Secretary may prescribe) not to have this section apply.

(l) TRANSFERS TO CERTAIN TRUST FUNDS.—There are hereby appropriated to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) and the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in revenues to the Treasury by reason of this section (without
regard to this subsection). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund or Account had this section not been enacted.

(m) REGULATIONS AND GUIDANCE.—The Secretary shall prescribe such regulations and other guidance as may be necessary or appropriate to carry out the purposes of this section, including—

(1) with respect to the application of the credit under subsection (a) to third-party payors (including professional employer organizations, certified professional employer organizations, or agents under section 3504 of the Internal Revenue Code of 1986), regulations or other guidance allowing such payors to submit documentation necessary to substantiate the amount of the credit allowed under subsection (a),

(2) regulations or other guidance for recapturing the benefit of credits determined under subsection (a) in cases where there is a subsequent adjustment to the credit determined under such subsection, and
(3) regulations or other guidance to prevent abuse of the purposes of this section.

(n) Application.—

(1) In general.—This section shall only apply to amounts paid or incurred after March 12, 2020, and before January 1, 2021.

(2) Special rule for certain amounts paid or incurred in calendar quarters ending before the date of the enactment of this Act.—For purposes of this section, in the case of any amount paid or incurred after March 12, 2020, and on or before the last day of the last calendar quarter ending before the date of the enactment of this Act, such amount shall be treated as paid or incurred on such date of enactment.

SEC. 214. COVID–19 ASSISTANCE PROVIDED TO INDEPENDENT CONTRACTORS.

(a) Independent Contractor Status.—With respect to an individual providing services for compensation for any service recipient or through any marketplace platform, if the service recipient or marketplace platform operator provides any of the benefits described in subsection (c) to such individual, the provision of such benefits shall not be taken into account in determining the status of
such individual as an employee for purposes of the Internal Revenue Code of 1986.

(b) Treatment as Qualified Disaster Relief Payments.—Any benefit described in subsection (c) (other than paragraph (1) thereof) which is provided as described in subsection (a) by a service recipient or marketplace platform operator shall be treated for purposes of section 139 of the Internal Revenue Code of 1986 as a qualified disaster relief payment to the individual so described.

(c) Benefits Described.—The benefits described in this subsection are—

(1) financial assistance provided to an individual while the individual is not performing services for the service recipient or through the marketplace platform, or is performing reduced services or reduced hours of service, because of COVID–19;

(2) health care benefits provided to an individual which are related to COVID–19, including testing of the individual for, or for antibodies related to, COVID–19;

(3) equipment to protect the individual, service recipients, or customers from contracting COVID–19, including masks, gloves, and disinfectants;
(4) cleaning products or services related to preventing the spread of COVID–19; and

(5) training, standards, and guidelines or other similar information provided to an individual related to COVID–19.

(d) MARKETPLACE PLATFORM, ETC.—For purposes of this section—

(1) MARKETPLACE PLATFORM OPERATOR.—The term “marketplace platform operator” means any person operating a marketplace platform.

(2) MARKETPLACE PLATFORM.—The term “marketplace platform” means any digital website, mobile application, or similar system that facilitates the provision of goods or services by providers to recipients.

(e) COVID–19.—For purposes of this section, the term “COVID–19” means coronavirus disease 2019. Except where the context clearly indicates otherwise, any reference in this section to such disease shall be treated as including a reference to the virus which causes such disease.

(f) APPLICATION.—This section shall only apply to benefits provided after March 12, 2020, and before January 1, 2021.
Subtitle C—CARES Act

Clarifications and Corrections

SEC. 221. APPLICATION OF SPECIAL RULES TO MONEY PURCHASE PENSION PLANS.

(a) In General.—Section 2202(a)(6)(B) of the CARES Act (Public Law 116–136) is amended by inserting “, and, in the case of a money purchase pension plan, a coronavirus-related distribution which is an in-service withdrawal shall be treated as meeting the distribution rules of section 401(a) of the Internal Revenue Code of 1986” before the period.

(b) Effective Date.—The amendment made by this section shall apply as if included in the enactment of section 2202 of the CARES Act (Public Law 116–136).

SEC. 222. CLARIFICATION OF DELAY IN PAYMENT OF MINIMUM REQUIRED CONTRIBUTIONS.

Section 3608(a)(1) of the CARES Act (Public Law 116–136) is amended by striking “January 1, 2021” and inserting “January 4, 2021”.

SEC. 223. EMPLOYEE CERTIFICATION AS TO ELIGIBILITY FOR INCREASED CARES ACT LOAN LIMITS FROM EMPLOYER PLAN.

(a) In General.—Section 2202(b) of the CARES Act (Public Law 116–136) is amended by adding at the end the following new paragraph:
“(4) Employee Certification.—The administrator of a qualified employer plan may rely on an employee’s certification that the requirements of subsection (a)(4)(A)(ii) are satisfied in determining whether the employee is a qualified individual for purposes of this subsection.”.

(b) Effective Date.—The amendment made by this section shall take effect as if included in the enactment of section 2202(b) of the CARES Act (Public Law 116–136).

SEC. 224. ELECTION TO WAIVE APPLICATION OF CERTAIN MODIFICATIONS TO FARMING LOSSES.

(a) In General.—Section 2303 of the CARES Act is amended by adding at the end the following new subsection:

“(e) Special Rules With Respect to Farming Losses.—

“(1) Election to disregard application of amendments made by subsections (a) and (b).—

“(A) In general.—If a taxpayer who has a farming loss (within the meaning of section 172(b)(1)(B)(ii) of the Internal Revenue Code of 1986) for a taxable year beginning in 2018,
2019, or 2020 makes an election under this paragraph, then—

“(i) the amendments made by subsection (a) shall not apply to any taxable year beginning in 2018, 2019, or 2020, and

“(ii) the amendments made by subsection (b) shall not apply to any net operating loss arising in any taxable year beginning in 2018, 2019, or 2020.

“(B) ELECTION.—

“(i) IN GENERAL.—Except as provided in clause (ii)(II), an election under this paragraph shall be made in such manner as may be prescribed by the Secretary. Such election, once made for any taxable year, shall be irrevocable for such taxable year.

“(ii) TIME FOR MAKING ELECTION.—

“(I) IN GENERAL.—An election under this paragraph shall be made by the due date (including extensions of time) for filing the taxpayer’s return for the taxable year.
“(II) Previously filed returns.—In the case of any taxable year for which the taxpayer has filed a return of Federal income tax before the date of the enactment of the American Workers, Families, and Employers Assistance Act which disregards the amendments made by subsections (a) and (b), such taxpayer shall be treated as having made an election under this paragraph unless the taxpayer modifies such return to reflect such amendments by the due date (including extensions of time) for filing the taxpayer’s return for the first taxable year ending after the date of the enactment of the American Workers, Families, and Employers Assistance Act.

“(C) Regulations.—The Secretary of the Treasury (or the Secretary’s delegate) shall issue such regulations and other guidance as may be necessary to carry out the purposes of this paragraph, including regulations and guidance relating to the application of the rules of
section 172(a) of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of the CARES Act) to taxpayers making an election under this paragraph.

“(2) Revocation of election to waive carryback.—The last sentence of section 172(b)(3) of the Internal Revenue Code of 1986 and the last sentence of section 172(b)(1)(B) of such Code shall not apply to any election—

“(A) which was made before the date of the enactment of the American Workers, Families, and Employers Assistance Act, and

“(B) which relates to the carryback period provided under section 172(b)(1)(B) of such Code with respect to any net operating loss arising in taxable years beginning in 2018 or 2019.”.

(b) Effective Date.—The amendment made by this section shall take effect as if included in section 2303 of the CARES Act (Public Law 116–136).

SEC. 225. OVERSIGHT AND AUDIT REPORTING.

Section 19010(a)(1) of the CARES Act is amended by striking “and” at the end of subparagraph (F), by striking “and” at the end of subparagraph (G), and by adding at the end the following new subparagraphs:
“(H) the Committee on Finance of the Senate; and
“(I) the Committee on Ways and Means of the House of Representatives; and”.

TITLE III—SUPPORTING PATIENTS, PROVIDERS, OLDER AMERICANS, AND FOSTER YOUTH IN RESPONDING TO COVID–19

Subtitle A—Promoting Access to Care and Services

SEC. 301. MAINTAINING 2021 MEDICARE PART B PREMIUM AND DEDUCTIBLE AT 2020 LEVELS CONSISTENT WITH ACTUARILY FAIR RATES.

(a) 2021 PREMIUM AND DEDUCTIBLE AND REPAYMENT THROUGH FUTURE PREMIUMS.—Section 1839(a) of the Social Security Act (42 U.S.C. 1395r(a)) is amended—

(1) in the second sentence of paragraph (1), by striking “(5) and (6)” and inserting “(5), (6), and (7)”;

(2) in paragraph (6)(C)—

(A) in clause (i), by striking “section 1844(d)(1)” and inserting “subsections (d)(1) and (e)(1) of section 1844”; and
(B) in clause (ii), by striking “paragraph (5)” and inserting “paragraphs (5) and (7)”;
and
(3) by adding at the end the following:
“(7) In applying this part (including subsection (i) and section 1833(b)), the monthly actuarial rate for enrollees age 65 and over for 2021 shall be the same as the monthly actuarial rate for enrollees age 65 and over for 2020.”.

(b) Transitional Government Contribution.—
Section 1844 of the Social Security Act (42 U.S.C. 1395w) is amended—

(1) in subsection (a), by adding at the end the following new sentence: “In applying paragraph (1), the amounts transferred under subsection (e)(1) with respect to enrollees described in subparagraphs (A) and (B) of such subsection shall be treated as premiums payable and deposited in the Trust Fund under subparagraphs (A) and (B), respectively, of paragraph (1).”; and

(2) by adding at the end the following:
“(e)(1) For 2021, there shall be transferred from the General Fund to the Trust Fund an amount, as estimated by the Chief Actuary of the Centers for Medicare & Medicaid Services, equal to the reduction in aggregate pre-
miums payable under this part for a month in such year (excluding any changes in amounts collected under section 1839(i)) that are attributable to the application of section 1839(a)(7) with respect to—

“(A) enrollees age 65 and over; and

“(B) enrollees under age 65.

Such amounts shall be transferred from time to time as appropriate.

“(2) Premium increases affected under section 1839(a)(6) shall not be taken into account in applying subsection (a).

“(3) There shall be transferred from the Trust Fund to the General Fund of the Treasury amounts equivalent to the additional premiums payable as a result of the application of section 1839(a)(6), excluding the aggregate payments attributable to the application of section 1839(i)(3)(A)(ii)(II).”.

(c) ADDITIONAL TRANSITIONAL GOVERNMENT CONTRIBUTION.—Section 1844 of the Social Security Act (42 U.S.C. 1395w), as amended by subsection (b)(2), is amended by adding at the end the following:

“(f)(1) There shall be transferred from the General Fund of the Treasury to the Trust Fund an amount, as estimated by the Chief Actuary of the Centers for Medicare & Medicaid Services, equal to amounts paid under
the advance payment program under section 421.214 of title 42, Code of Federal Regulations (or any successor regulation) during the period beginning on March 28, 2020, and ending on July 9, 2020.

“(2) There shall be transferred from the Trust Fund to the General Fund of the Treasury amounts equivalent to the sum of—

“(A) the amounts by which claims have offset (in whole or in part) the amount of such advance payments described in paragraph (1); and

“(B) the amount of such advance payments that has been repaid (in whole or in part), under the advance payment program under such section 421.214 (or any such successor regulation).

“(3) Amounts described in paragraphs (1) and (2) shall be transferred from time to time as appropriate.”.

(d) INDENTATION CORRECTION.—Section 1839(i)(3)(A)(ii) of the Social Security Act (42 U.S.C. 1395r(i)(3)(A)(ii)) is amended by moving the indentation of subclause (I) two ems to the right.

SEC. 302. IMPROVEMENTS TO THE MEDICARE HOSPITAL ACCELERATED AND ADVANCE PAYMENTS PROGRAMS DURING THE COVID–19 PUBLIC HEALTH EMERGENCY.

(a) Part A.—
(1) Repayment periods.—Section 1815(f)(2)(C) of the Social Security Act (42 U.S.C. 1395g(f)(2)(C)) is amended—

(A) in clause (i), by striking “120 days” and inserting “270 days”; and

(B) in clause (ii), by striking “12 months” and inserting “18 months”.

(2) Authority for discretion.—Section 1815(f)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395g(f)(2)(A)(ii)) is amended by inserting “(or, with respect to requests submitted to the Secretary on or after July 9, 2020, may)” after “shall.”.

(b) Part B.—In carrying out the advance payments program described in section 421.214 of title 42, Code of Federal Regulations (or a successor regulation), the Secretary of Health and Human Services, in the case of a payment made under such program during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), upon request of the supplier receiving such payment, shall—

(1) provide up to 270 days before claims are offset to recoup the payment; and

(2) allow not less than 14 months from the date of the first advance payment before requiring that the outstanding balance be paid in full.
(c) Effective Date.—The amendments made by this section shall take effect as if included in the enactment of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).

(d) Implementation.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, and the amendments made by, this section by program instruction or otherwise.

SEC. 303. AUTHORITY TO EXTEND MEDICARE TELEHEALTH WAIVERS.

(a) Authority.—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended by adding at the end the following new paragraph:

“(9) Authority to extend telehealth waivers and policies.—

“(A) Authority.—Notwithstanding the preceding provisions of this subsection and section 1135, subject to subparagraph (B), if the emergency period under section 1135(g)(1)(B) expires prior to December 31, 2021, the authority provided the Secretary under section 1135(b)(8) to waive or modify requirements with respect to a telehealth service, and modifications of policies with respect to telehealth
services made by interim final rule applicable to such period, shall be extended through December 31, 2021.

“(B) NO REQUIREMENT TO EXTEND.—Nothing in subparagraph (A) shall require the Secretary to extend any specific waiver or modification or modifications of policies that the Secretary does not find appropriate for extension.

“(C) IMPLEMENTATION.—Notwithstanding any provision of law, the provisions of this paragraph may be implemented by interim final rule, program instructions or otherwise.”.

(b) MEDPAC EVALUATION AND REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The Medicare Payment Advisory Commission (in this subsection referred to as the “Commission”) shall conduct an evaluation of—

(i) the expansions of telehealth services under part B of title XVII of the Social Security Act related to the COVID-19 public health emergency described in section 1135(g)(1)(B) of such Act (42 U.S.C. 1320b–5(g)(1)(B)); and
(ii) the appropriate treatment of such expansions after the expiration of such public health emergency.

(B) ANALYSIS.—The evaluation under subparagraph (A) shall include an analysis of each the following:

(i) Which, if any, of such expansions should be continued after the expiration of the such public health emergency,

(ii) Whether any such continued expansions should be limited to, or differentially applied to, clinicians participating in certain value-based payment models.

(iii) How Medicare should pay for telehealth services after the expiration of such public health emergency, and the implications of payment approaches on aggregate Medicare program spending,

(iv) Medicare program integrity and beneficiary safeguards that may be warranted with the coverage of telehealth services.

(v) The implications of expanded Medicare coverage of telehealth services for
beneficiary access to care and the quality of care provided via telehealth.

(vi) Other areas determined appropriate by the Commission.

(2) REPORT.—Not later than June 15, 2021, the Commission shall submit to Congress a report containing the results of the evaluation conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Commission determines appropriate.

(c) HHS Provision of Information and Study and Report.—

(1) Pre–COVID–19 Public Health Emergency Telehealth Authority.—Not later than 3 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall make available on the internet website of the Centers for Medicare & Medicaid Services information describing the requirements applicable to telehealth services and other virtual services under the original Medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the Medicare Advantage program under part C of such title prior to the waiv-
er or modification of such requirements during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), as established by statute, regulation, and sub-regulatory guidance under such title.

(2) STUDY AND REPORT.—

(A) STUDY.—The Secretary shall conduct a study on the impact of telehealth and other virtual services furnished under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) during the emergency period described in section 1135(g)(1)(B) of such Act (42 U.S.C. 1320b–5(g)(1)(B)). In conducting such study, the Secretary shall—

(i) assess the impact of such services on access to care, health outcomes, and spending by type of physician, practitioner, or other entity, and by patient demographics and other characteristics that include—

(I) age, gender, race, and type of eligibility for the Medicare program;

(II) dual eligibility for both the Medicare program and the Medicaid
program under title XIX of such Act (42 U.S.C. 1396 et seq.);

(III) residing in an area of low-population density or a health professional shortage area (as defined in section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A)));

(IV) diagnoses, such as a diagnosis of COVID–19, a chronic condition, or a mental health disorder or substance use disorder;

(V) telecommunication modality used, including extent to which the services are furnished using audio-only technology;

(VI) residing in a State other than the State in which the furnishing physician, practitioner, or other entity is located; and

(VII) other characteristics and information determined appropriate by the Secretary; and

(ii) to the extent feasible, assess such impact based on—
(I) the type of technology used to furnish the service;

(II) the extent to which patient privacy is protected;

(III) the extent to which documented or suspected fraud or abuse occurred; and

(IV) patient satisfaction.

(B) Use of Information.—The Secretary may use reliable non-governmental sources of information in assessing the impact of characteristics described in subparagraph (A) under the study.

(C) Report.—

(i) Interim Provision of Information.—The Secretary shall, as determined appropriate, periodically during such emergency period, post on the internet website of the Centers for Medicare & Medicaid services data on utilization of telehealth and other virtual services under the Medicare program and the impact of characteristics described in subparagraph (A) on such utilization.
(ii) REPORT.—Not later than 15 months after date of enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 304. EXTENDING MEDICARE TELEHEALTH FLEXIBILITIES FOR FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

(a) In General.—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(1) in paragraph (4)(C)—

(A) in clause (i), in the matter preceding subclause (I), by striking “and (7)” and inserting “(7), and (8)”;

and

(B) in clause (ii)(X), by inserting “or paragraph (8)(A)(i)” before the period;

(2) in paragraph (8)—

(A) in the paragraph heading by inserting “AND FOR AN ADDITIONAL PERIOD AFTER” after “DURING”;

(B) in subparagraph (A)—
(i) in the matter preceding clause (i),
by inserting “and the 5-year period begin-
ing on the first day after the end of such
emergency period” after “1135(g)(1)(B)”;

(ii) in clause (ii), by striking “and” at
the end;

(iii) by redesignating clause (iii) as
clause (iv); and

(iv) by inserting after clause (ii) the
following new clause:

“(iii) the geographic requirements de-
scribed in paragraph (4)(C)(i) shall not
apply with respect to such a telehealth
service; and”;

(C) in subparagraph (B)(i)—

(i) in the first sentence, by inserting
“and the 5-year period beginning on the
first day after the end of such emergency
period” before the period; and

(ii) in the third sentence, by striking
“program instruction or otherwise” and in-
serting “interim final rule, program in-
struction, or otherwise”; and

(D) by adding at the end the following new
subparagraph:
“(C) Requirement during additional period.—

“(i) In general.—During the 5-year period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B), payment may only be made under this paragraph for a telehealth service described in subparagraph (A)(i) that is furnished to an eligible telehealth individual if such service is furnished by a qualified provider (as defined in clause (ii)).

“(ii) Definition of qualified provider.—For purposes of this subparagraph, the term ‘qualified provider’ means, with respect to a telehealth service described in subparagraph (A)(i) that is furnished to an eligible telehealth individual, a Federally qualified health center or rural health clinic that furnished to such individual, during the 3-year period ending on the date the telehealth service was furnished, an item or service in person for which—
“(I) payment was made under this title; or

“(II) such payment would have been made if such individual were entitled to, or enrolled for, benefits under this title at the time such item or service was furnished.”.

(b) Effective Date.—The amendments made by this section (other than the amendment made by subsection (a)(2)(D)) shall take effect as if included in the enactment of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).

SEC. 305. TEMPORARY CARRYOVER FOR HEALTH AND DEPENDENT CARE FLEXIBLE SPENDING ARRANGEMENTS.

(a) Increase in Carryover for Health Flexible Spending Arrangements.—A plan or other arrangement that otherwise satisfies all of the applicable requirements of sections 106 and 125 of the Internal Revenue Code of 1986 (including any rules or regulations thereunder) shall not fail to be treated as a cafeteria plan or health flexible spending arrangement merely because such plan or arrangement permits participants to carry over an amount not in excess of $2,750 of unused benefits or contributions remaining in a health flexible spending
arrangement from the plan year ending in 2020 to the plan year ending in 2021.

(b) Carryover for Dependent Care Flexible Spending Arrangements.—A plan or other arrangement that otherwise satisfies all applicable requirements of sections 106, 125, and 129 of the Internal Revenue Code of 1986 (including any rules or regulations thereunder) shall not fail to be treated as a cafeteria plan or dependent care flexible spending arrangement merely because such plan or arrangement permits participants to carry over (under rules similar to the rules applicable to health flexible spending arrangements) an amount, not in excess of the amount in effect under section 129(a)(2)(A) of such Code, of unused benefits or contributions remaining in a dependent care flexible spending arrangement from the plan year ending in 2020 to the plan year ending in 2021.

(c) Retroactive Application.—An employer shall be permitted to amend its cafeteria plan to effectuate the carry over allowed under subsection (a) or (b), provided that such amendment—

(1) is adopted not later than the last day of the plan year ending in 2020; and
(2) provides that the carry over allowed under subsection (a) or (b) shall be in effect as of the first day of the plan year ending in 2020.

(d) DEFINITIONS.—Any term used in this section which is also used in section 106, 125, or 129 of the Internal Revenue Code of 1986 or the rules or regulations thereunder shall have the same meaning as when used in such section or rules or regulations.

SEC. 306. ON-SITE EMPLOYEE CLINICS.

(a) IN GENERAL.—Paragraph (1) of section 223(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(D) SPECIAL RULE FOR QUALIFIED ITEMS AND SERVICES.—

“(i) IN GENERAL.—For purposes of subparagraph (A)(ii), an individual shall not be treated as covered under a health plan described in subclauses (I) and (II) of such subparagraph merely because the individual is eligible to receive, or receives, qualified items and services—

“(I) at a healthcare facility located at a facility owned or leased by the employer of the individual (or of the individual’s spouse), or
“(II) at a healthcare facility operated primarily for the benefit of employees of the employer of the individual (or of the individual’s spouse).

“(ii) QUALIFIED ITEMS AND SERVICES DEFINED.—For purposes of this subparagraph, the term ‘qualified items and services’ means the following:

“(I) Physical examination.

“(II) Immunizations, including injections of antigens provided by employees.

“(III) Drugs or biologicals other than a prescribed drug (as such term is defined in section 213(d)(3)).

“(IV) Treatment for injuries occurring in the course of employment.

“(V) Preventive care for chronic conditions (as defined in clause (iv)).

“(VI) Management of chronic conditions or diseases.

“(VII) Drug testing.

“(VIII) Hearing or vision screenings and related services.
“(IX) Testing, vaccines, or treatments for the virus SARS–CoV–2 or coronavirus disease 2019 (COVID–19).

“(iii) AGGREGATION.—For purposes of clause (i), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

“(iv) PREVENTIVE CARE FOR CHRONIC CONDITIONS.—For purposes of this subparagraph, the term ‘preventive care for chronic conditions’ means any item or service specified in the Appendix of Internal Revenue Service Notice 2019–45 which is prescribed to treat an individual diagnosed with the associated chronic condition specified in such Appendix for the purpose of preventing the exacerbation of such chronic condition or the development of a secondary condition, including any amendment, addition, removal, or other modification made by the Secretary (pursuant to the authority granted to the Secretary under paragraph (2)(C)) to the items or
123

services specified in such Appendix subsequent to the date of enactment of this sub-
paragraph.

“(v) TERMINATION.—This subpara-
graph shall not apply to any taxable year
beginning after December 31, 2021.”.

(b) EFFECTIVE DATE.—The amendment made by
this section shall apply to taxable years beginning after
December 31, 2019.

SEC. 307. SUPPORT FOR OLDER FOSTER YOUTH.

(a) FUNDING INCREASES.—The dollar amount speci-
fied in section 477(h)(1) of the Social Security Act (42
U.S.C. 677(h)(1)) for fiscal year 2020 is deemed to be
$193,000,000.

(b) PROGRAMMATIC FLEXIBILITY.—During the
COVID–19 public health emergency:

(1) SUSPENSION OF CERTAIN REQUIREMENTS
UNDER THE EDUCATION AND TRAINING VOUCHER
PROGRAM.—The Secretary may allow a State to
waive the applicability of the requirement in section
477(i)(3) of the Social Security Act (42 U.S.C.
677(i)(3)) that a youth must be enrolled in a post-
secondary education or training program or making
satisfactory progress toward completion of that pro-
gram if a youth is unable to meet these require-
ments due to the public health emergency.

(2) Authority to Waive Limitations on
Percentage of Funds Used for Housing Assist-
ance and Eligibility for Such Assistance.—
Notwithstanding subsections (b)(3)(B) and (b)(3)(C)
of section 477 of the Social Security Act (42 U.S.C.
677), a State may—

(A) use more than 30 percent of the
amounts paid to the State from its allotment
under subsection (c) of such section for a fiscal
year for room or board payments; and

(B) expend amounts paid to the State
from its allotment under subsection (c) of such
section for a fiscal year for room or board for
youth who have attained age 18, are no longer
in foster care or otherwise eligible for services
under such section, and experienced foster care
at 14 years of age or older.

(c) Special Rules.—

(1) Nonapplication of Matching Funds Re-
quirement for Increased Funding.—With re-
spect to the amount allotted to a State under section
477(c)(1) of the Social Security Act (42 U.S.C.
677(c)(1)) for fiscal year 2020, the Secretary shall
apply section 474(a)(4)(A)(i) of such Act (42 U.S.C. 674(a)(4)(A)(i)) to the additional amount of such allotment resulting from the deemed increase in the dollar amount specified in section 477(h)(1) of such Act (42 U.S.C. 677(h)(1)) for fiscal year 2020 under subsection (a) by substituting “100 percent” for “80 percent”.

(2) No reservation for evaluation, technical assistance, performance measurement, and data collection activities.—Section 477(g)(2) of such Act (42 U.S.C. 677(g)(2)) shall not apply to the portion of the deemed dollar amount for section 477(h)(1) of such Act (42 U.S.C. 677(h)(1)) for fiscal year 2020 under subsection (a) that exceeds the dollar amount specified in that section for such fiscal year.

(d) Definitions.—In this section:

(1) COVID–19 public health emergency.—The term “COVID–19 public health emergency” means the public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act on January 31, 2020, entitled “Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel
Coronavirus” and includes any renewal of such declaration pursuant to such section 319.

(2) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

SEC. 308. COURT IMPROVEMENT PROGRAM.

(a) TEMPORARY FUNDING INCREASES.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary, $10,000,000 for fiscal year 2020 for making grants in accordance with this section to the highest State courts described in section 438 of the Social Security Act (42 U.S.C. 629h). Grants made under this section shall be considered to be Court Improvement Program grants made under such section 438, subject to the succeeding provisions of this section.

(b) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—From the amount appropriated under subsection (a), the Secretary shall—

(A) reserve up to $500,000 for Tribal court improvement activities; and

(B) pay from the amount remaining after the application of subparagraph (A), a grant to each highest State court that is approved to receive a grant under section 438 of the Social Security Act for the purpose described in sub-
section (a)(3) of that section for fiscal year 2020.

(2) AMOUNT.—The amount of the grant awarded to a highest State court under this section is equal to the sum of—

(A) $85,000; and

(B) the amount that bears the same ratio to the amount appropriated under subsection (a) that remains after the application of paragraph (1)(A) and subparagraph (A) of this paragraph, as the number of individuals in the State who have not attained 21 years of age bears to the total number of such individuals in all States (based on the most recent year for which data are available from the Bureau of the Census).

(3) OTHER RULES.—

(A) IN GENERAL.—The grants awarded to the highest State courts under this section shall be in addition to any grants made to such courts under section 438 of such Act for any fiscal year.

(B) NO MATCHING REQUIREMENT.—The limitation on the use of funds specified in section 438(d) of such Act (42 U.S.C. 629h(d))
shall not apply to the grants awarded under this section.

(C) NO ADDITIONAL APPLICATION.—The Secretary shall award grants to the highest State courts under this section without requiring such courts to submit an additional application.

(D) REPORTS.—The Secretary may establish reporting criteria specific to the grants awarded under this section.

(E) REDISTRIBUTION OF FUNDS.—If a highest State court does not accept a grant awarded under this section, or does not agree to comply with any reporting requirements imposed under subparagraph (D) or the use of funds requirements specified in subsection (e), the Secretary shall redistribute the grant funds that would have been awarded to that court among the other highest State courts that are awarded grants under this section and agree to comply with such reporting and use of funds requirements.

(e) USE OF FUNDS.—A highest State court awarded a grant under this section shall use the grant funds to
address needs stemming from the COVID–19 public health emergency, which may include any of the following:

(1) Technology investments to facilitate the transition to remote hearings for dependency courts when necessary as a direct result of the COVID–19 public health emergency.

(2) Training for judges, attorneys, and case-workers on facilitating and participating in remote technology hearings that still comply with due process, meet Congressionally mandated requirements, ensure child safety and well-being, and help inform judicial decision-making.

(3) Programs to help families address aspects of the case plan to avoid delays in legal proceedings that would occur as a direct result of the COVID–19 public health emergency.

(4) Other purposes to assist courts, court personnel, or related staff related to the COVID–19 public health emergency.

(d) DEFINITIONS.—In this section:

(1) COVID–19 PUBLIC HEALTH EMERGENCY.—The term “COVID–19 public health emergency” means the public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act on January 31, 2020, entitled
“Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus” and includes any renewal of such declaration pursuant to such section 319.

(2) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

Subtitle B—Emergency Support and COVID–19 Protection for Nursing Homes

SEC. 311. DEFINITIONS.

In this subtitle:

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

(2) COVID–19 PUBLIC HEALTH EMERGENCY PERIOD.—The term “COVID–19 public health emergency period” means the period beginning on the first day of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)) and ending on the last day of the calendar quarter in which the last day of such emergency period occurs.

(3) NURSING FACILITY.—The term “nursing facility” has the meaning given that term in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)).
(4) **Participating provider.**—The term “participating provider” means a skilled nursing facility or a nursing facility that has been assigned a national provider identifier number by the Secretary and has executed an agreement to participate in the Medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or the Medicaid program established under title XIX of such Act (42 U.S.C. 1396 et seq.).

(5) **Secretary.**—The term “Secretary” means the Secretary of Health and Human Services.

(6) **Skilled nursing facility.**—The term “skilled nursing facility” has the meaning given that term in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)).

(7) **State.**—Except as otherwise provided, the term “State” has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

**SEC. 312. ESTABLISHING COVID–19 STRIKE TEAMS FOR NURSING FACILITIES.**

(a) **In general.**—The Secretary is authorized to establish and support the operation of strike teams comprised of individuals with relevant skills, qualifications, and experience to respond to COVID–19-related crises in...
participating providers during the COVID–19 public health emergency period, based on data reported by such providers to the Centers for Disease Control and Prevention.

(b) MISSION AND COMPOSITION OF STRIKE TEAMS.—

(1) IN GENERAL.—Strike teams established by the Secretary may include assessment, testing, and clinical teams, and a mission for each such team may include performing medical examinations, conducting COVID–19 testing, and assisting participating providers with the implementation of infection control practices (such as quarantine, isolation, or disinfection procedures).

(2) LETTER OF AUTHORIZATION.—Strike teams and members of such teams shall be subject to the Secretary’s oversight and direction and the Secretary may issue a letter of authorization to team members describing—

(A) the individual’s designation to serve on 1 or more teams under an emergency proclamation by the Secretary;

(B) the mission of the team;

(C) the authority of the individual to perform the team mission;
(D) the individual’s authority to access places, persons, and materials necessary for the team member’s performance of the team’s mission;

(E) the requirement that team members maintain the confidentiality of patient information shared with such individuals by a participating provider; and

(F) the required security background checks that the individual has passed.

(3) SECRETARIAL OVERSIGHT.—The Secretary may, at any time, disband any strike team and rescind the letter of authorization for any team member.

(4) TEAM AND MEMBER AUTHORITY.—A team and team member may not use the letter of authorization described in paragraph (2) for any purpose except in connection with the team’s mission of acting in good faith to promote resident and employee safety in participating providers in which COVID–19 is confirmed to be present.

(5) ADMINISTRATION.—The Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, may establish protocols and procedures for requesting the assistance of a
strike team established under this section and any
other procedures deemed necessary for the team’s
operation.

(6) **Supplementation of other response
efforts.**—Strike teams established by the Sec-
retary under this section shall supplement and not
supplant response efforts carried out by a State
strike team or a technical assistance team estab-
lished by the Secretary during the COVID-19 public
health emergency period

### SEC. 313. PROMOTING COVID–19 TESTING AND INFECTION

#### CONTROL IN NURSING FACILITIES.

(a) **Nursing Home Protections.**—The Secretary,
in consultation with the Elder Justice Coordinating Coun-
cil, is authorized during the COVID–19 public health
emergency period to enhance efforts by participating pro-
viders to respond to COVID–19, including through—

(1) development of online training courses for
personnel of participating providers, survey agencies,
the long-term care ombudsman of each State, and
other individuals to facilitate the implementation of
subsection (b);

(2) enhanced diagnostic testing of visitors to,
personnel of, and residents of, participating pro-
viders in which measures of COVID–19 in the com-
munity support more frequent testing for COVID–19;

(3) development of training materials for personnel of participating providers, the long-term care ombudsman of each State, and other individuals to facilitate the implementation of subsection (c); and

(4) providing support to participating providers in areas deemed by the Secretary to require additional assistance due to the presence COVID–19 infections.

(b) TRAINING ON BEST PRACTICES IN INFECTION CONTROL AND PREVENTION.—

(1) IN GENERAL.—The Secretary shall develop training courses on infection control and prevention, including cohorting, strategies and use of telehealth to mitigate the transmission of COVID–19 in participating providers during the COVID–19 public health emergency period.

(2) DEVELOPMENT.—To the extent practicable, the training programs developed by the Secretary under this subsection shall use best practices in infection control and prevention.

(3) COORDINATION WITH OTHER FEDERAL ENTITIES.—The Secretary shall seek input as appropriate on the training courses developed under this
subsection from the Elder Justice Coordinating Council and the Director of the Centers for Disease Control and Prevention.

(4) INTERACTIVE WEBSITE.—The Secretary is authorized to create an interactive website to disseminate training materials and related information in the areas of infection control and prevention, for purposes of carrying out this subsection during the COVID–19 public health emergency period.

SEC. 314. PROMOTING TRANSPARENCY IN COVID–19 REPORTING BY NURSING FACILITIES.

Not later than 10 days after the date of enactment of this Act, and at least weekly thereafter during the COVID-19 public health emergency period, the Secretary shall provide the Governor of each State with a list of all participating providers in the State with respect to which the reported cases of COVID–19 in visitors to, personnel of, and residents of, such providers increased during the previous week (or, in the case of the first such list, during the 10-day period beginning on the date of enactment of this Act).

SEC. 315. FUNDING.

The Secretary may use amounts appropriated for COVID–19 response and related activities pursuant to the
CARES Act (Public Law 116–136) and subsequently enacted legislation to carry out this subtitle.

**TITLE IV—ADDITIONAL FLEXIBILITY AND ACCOUNTABILITY FOR CORONAVIRUS RELIEF FUND PAYMENTS AND STATE TAX CERTAINTY FOR EMPLOYEES AND EMPLOYERS**

**SEC. 401. EXPANSION OF ALLOWABLE USE OF CORONAVIRUS RELIEF FUND PAYMENTS BY STATES AND TRIBAL AND LOCAL GOVERNMENTS.**

(a) **IN GENERAL.**—Section 601(d) of the Social Security Act (42 U.S.C. 801(d)) is amended to read as follows:

 ``(d) USE AND AVAILABILITY OF FUNDS.—

 `(1) ALLOWABLE USES.—A State, Tribal government, or unit of local government shall use the funds provided under a payment made under this section only for the following purposes:

 `(A) COVID-19 costs.—During the period that begins on March 1, 2020, and ends on September 30, 2021 (or, in the case of a State or government described in clause (iii) of subparagraph (B), the date determined for the State or government under such clause), to pay
costs of the State, Tribal government, or unit
of local government that—

“(i) are necessary expenditures in-
curred due to the public health emergency
with respect to the Coronavirus Disease
2019 (COVID–19); and

“(ii) were not accounted for in the
budget most recently approved as of March
27, 2020, for the State or government.

“(B) REVENUE SHORTFALL.—

“(i) IN GENERAL.—Subject to clause
(iv), during the period that begins on
March 1, 2020, and ends on September
30, 2021 (or, in the case of a State or gov-
ernment described in clause (iii), the date
determined for the State or government
under such clause), to fund operations of
the State or government if the State or
government—

“(I) has a revenue shortfall
amount for the State or government
fiscal year for 2020 or 2021; and

“(II) certifies to the Secretary
that the State or government has dis-
tributed at least 25 percent of the
total amount of the payments received
by the State or government under this
section to localities within the jurisdic-
tion of the State or government or
that there are no localities within the
jurisdiction of the State or govern-
ment.

“(ii) Revenue shortfall amount.—For purposes of this subpara-
graph, the revenue shortfall amount for a
State or government and a State or gov-
ernment fiscal year is the amount, if any,
by which—

“(I) the total amount of State or
government revenue from taxes, fees,
or sources other than funds provided
under a payment made under this sec-
tion or another intergovernmental
transfer of funds from the Federal
Government collected for such fiscal
year; is less than

“(II) the total amount of such
revenue collected for the State or gov-
ernment fiscal year for 2019.
“(iii) SPECIAL RULE.—In the case of a State or government that has a fiscal year for 2021 that ends after June 30, 2021, the date determined for such State or government under this clause is the date that is 90 days after the last day of the State or government fiscal year for 2021.

“(iv) LIMITATION.—The amount of funds paid to or distributed to a State, Tribal government, or unit of local government under this section that may be used by the State or government for the purpose permitted under clause (i) shall not exceed the lesser of—

“(I) 25 percent of the total amount of such funds; and

“(II) the sum of the revenue shortfall amounts determined for the State or government for fiscal years 2020 and 2021 under clause (ii).

“(2) PROHIBITED USES.—No State, Tribal government, or unit of local government may use funds provided under a payment made under this section for any of the following purposes:
“(A) To make a deposit into, or reimburse, any State or government fund that finances pensions or other postemployment benefits for current or former employees of the State or government.

“(B) To satisfy any obligation or liability of the State or government with respect to a pension or other postemployment benefit fund, plan, or program for current or former employees of the State or government.

“(C) To augment any amount paid, or benefit provided under, a pension or other postemployment benefit fund, plan, or program for current or former employees of the State or government.

“(D) To make a deposit into, or reimburse a withdrawal from, a budget stabilization fund, budget reserve account, or other ‘rainy day’ or reserve fund of the State or government established to provide a source of funding for operations of the State or government during a revenue downturn or other unanticipated shortfall and accounted for in the budget most recently approved as of March 27, 2020, for the State or government.
“(E) To participate in litigation in which an officer of the State or government is a party in the officer’s personal capacity.

“(F) To undertake to—

“(i) influence the passage or defeat of any legislation by the Congress of the United States, or by any State or local legislative body; or

“(ii) improve the public image of an officer of the State or government.

“(3) MAINTENANCE OF EFFORT.—In accordance with guidance from the Secretary issued before, on, or after the date of enactment of the American Workers, Families, and Employers Assistance Act, any amount from a payment made under this section to a State, Tribal government, or unit of local government that is distributed by such entity to a unit of general local government below the level of such entity shall supplement, and not supplant, any non-Federal funds that such entity would otherwise provide, distribute, or use for assistance to such unit of general local government.

“(4) AVAILABILITY.—Funds paid or distributed to a State, Tribal government, or unit of local government under this section that are obligated for an
allowable use under paragraph (1) before October 1, 2021 (or, in the case of a State or government described in clause (iii) of subparagraph (B) of such paragraph, the day after the date determined for the State or government under such clause), shall remain available until expended.

“(5) Application to distributions to localities.—

“(A) In general.—The allowable and prohibited uses of funds, maintenance of effort, and availability rules that apply to funds provided under a payment made under this section to a State, Tribal government, or unit of local government, and all other limitations or restrictions which apply to such funds, shall apply in the same manner and to the same extent to any funds from such payment which a State or government distributes to a locality.

“(B) Limitation on additional conditions.—A State, Tribal government, or unit of local government shall not impose any condition, requirement, or restriction on a distribution to a locality of funds provided to the State or government under a payment made under this section other than as necessary to ensure
the locality uses the funds distributed in ac-
cordance with the limitations, restrictions, and
requirements applicable under subparagraph
(A).”.

(b) ADDITIONAL AMENDMENTS.—Section 601 of
such Act is further amended—

(1) in subsection (f)—

(A) by redesignating paragraphs (3) and
(4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the
following new paragraph:

“(3) AUDIT RISK FACTORS.—In determining
whether to conduct an audit of the use of funds paid
to a State, Tribal government, or unit of local gov-
ernment under this section (including any such
funds distributed to a locality), the Inspector Gen-
eral of the Department of the Treasury shall
prioritize auditing States or governments that—

“(A) have not distributed at least 25 per-
cent of the total amount of the payments re-
ceived by the State or government under this
section to localities within the jurisdiction of the
State or government, if any; or

“(B) have imposed a condition, require-
ment, or restriction on funds distributed to a
locality which the Inspector General has reason to believe violates subsection (d)(5)(B).”.

(2) in subsection (g)—

(A) by redesignating paragraphs (3) through (5) as paragraphs (5) through (7), respectively; and

(B) by inserting after paragraph (2) the following new paragraphs:

“(3) LOCALITY.—The term ‘locality’ means, with respect to a State, Tribal government, or unit of local government, a county, municipality, town, township, village, parish, borough, or other unit of general government below the level of the State, Tribal government, or unit of local government (as applicable) with a population of 500,000 or less.

“(4) OTHER POSTEMPLOYMENT BENEFITS.—The term ‘other postemployment benefits’ includes postemployment health care benefits, regardless of the type of plan that provides them, and all postemployment benefits provided separately from a pension plan, excluding benefits defined as termination offers and benefits.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 601 of the Social Security Act, as added
SEC. 402. ACCOUNTABILITY FOR THE DISBURSEMENT AND USE OF STATE OR GOVERNMENT RELIEF PAYMENTS.

(a) DATA ON DISBURSEMENT AND USE OF PAYMENTS FROM THE CORONAVIRUS RELIEF FUND.—Pursuant to the authority provided in section 601(f) of the Social Security Act (42 U.S.C. 801(f)), as added by section 5001(a) of the CARES Act (Public Law 116–136) and amended by section 401(b), the Inspector General of the Department of the Treasury shall compile data on the disbursement and use of funds made available from each payment made by the Secretary of the Treasury from the Coronavirus Relief Fund established under section 601 of the Social Security Act (42 U.S.C. 801) to States, the District of Columbia, territories, Tribal governments, and directly to units of local government under section 601(b)(2) of such Act (in this section referred to as a “State or government relief payment”).

(b) REPORTING ON USES OF RELIEF FUNDS.—

(1) IN GENERAL.—Each recipient of a State or government relief payment (referred to in this section as a “recipient”) shall submit a report on the recipient’s use of such payment to the Secretary and
the Inspector General of the Treasury using a portal designated by the Secretary for such purpose for each calendar quarter and period described in paragraph (3)(A). Such report shall include the following:

(A) The total amount of all State or government relief payments made to the recipient.

(B) A detailed list of all projects or activities on which funds from such payments were expended or obligated, including, for each such project or activity—

(i) the name of the project or activity;

(ii) a description of the project or activity;

(iii) the name of each business, consultant, or contractor used to facilitate the implementation or continuation of the project or activity; and

(iv) the amount of such funds expended or obligated.

(C) Detailed information on—

(i) any loan issued using such funds;

(ii) any contract or grant financed in whole or in part with such funds, including
any contract with an entity described in subparagraph (B)(iii);

(iii) transfers of such funds made to other government entities; and

(iv) any direct payments of such funds made by the recipient that equal or exceed $50,000.

(D) Detailed information on the extent to which the recipient used a State or government relief payment made to fund operations due to a revenue shortfall, in accordance with subparagraph (B) of section 601(d)(1) of the Social Security Act (42 U.S.C. 801(d)(1)), including—

(i) the total amount of funds from all such payments used for such purpose;

(ii) the 1 or more revenue sources (such as taxes, fees, or another source of revenue) that contributed to such shortfall; and

(iii) for each source identified in clause (ii), the amount of the reduction in revenue generated by such source over the period described in subparagraph (A)(ii) of such section.
(2) Certification.—Each recipient shall certify that the information reported with respect to each quarter or period is true, accurate, and complete. Such certification shall be made by an authorized representative of the recipient that has the legal authority to give assurances, make commitments, and enter into contracts on behalf of the recipient.

(3) Report Deadlines.—A recipient shall report the data required under paragraph (1)—

(A) for the period beginning on March 1, 2020, and ending on June 30, 2020, not later than September 21, 2020; and

(B) for each calendar quarter in the period that begins on July 1, 2020, and ends on September 30, 2021 (or, in the case of a recipient for which a date is determined under section 601(d)(1)(B)(iii) of the Social Security Act, the last day of the calendar quarter in which such date occurs), not later than later than 10 days after the end of the calendar quarter.

(c) Record Retention Requirements.—

(1) In General.—Each recipient and entity described in paragraph (3) shall maintain, for not less than 5 years after date on the recipient expends all funds from State or government relief payments
paid to the recipient and shall make available to the
Secretary of the Treasury and the Inspector General
of the Department of the Treasury upon request, all
documents and financial records of the recipient suf-
ficient to establish the recipient’s compliance with
section 601(d) of the Social Security Act (42 U.S.C.
801(d)).

(2) Scope of records.—The documents and
records sufficient to establish a recipient’s compli-
ance with such section may include—

(A) general ledgers and any subsidiary
ledgers used to account for the receipt and dis-
bursement of funds from all State or govern-
ment relief payments made to the recipient;

(B) budget records of the recipient for
2019, 2020, and 2021;

(C) payroll, time records and other human
resource records of the recipient which support
costs incurred for payroll expenses related to
addressing the public health emergency due to
COVID–19 or other use of funds allowable
under such section 601(d);

(D) receipts of purchases made related to
addressing the public health emergency due to
COVID–19 or other use of funds allowable under such section 601(d);

(E) contracts and subcontracts entered into with funds from any State or government relief payment made to the recipient, and all documents related to such contracts or subcontracts;

(F) grant agreements and subgrant agreements entered into with funds from any State or government relief payment made to the recipient, and all documents related to such agreements;

(G) all documentation of reports, audits, and other monitoring of contractors, subcontractors, grantees, and subgrantees relating to the use funds from any State or government relief payment made to the recipient;

(H) all documentation supporting performance outcomes (if any) of contracts, subcontracts, grants, or subgrants relating to the use of funds from any State or government relief payment made to the recipient;

(I) all internal and external email and other electronic communications relating to the
use of funds from any State or government relief payment made to the recipients; and

   (J) all investigative files and inquiry reports (if any) relating to the use of funds from any State or government relief payment made to the recipient.

(3) ENTITIES DESCRIBED.—An entity described in this paragraph is the any of the following:

   (A) An entity that receives a grant or loan funded in whole or in part with funds from a State or government relief payment made to the recipient, and any contractor, subcontractor, or subgrantee of such entity.

   (B) An entity awarded a contract funded in whole or in part with funds from a State or government relief payment made to the recipient, and any subcontractor of such entity.

   (C) A governmental entity that receives a payment or transfer of funds that equals or exceeds $50,000, funded in whole or in part with funds from a State or government relief payment made to the recipient.

(d) QUARTERLY REPORTS TO CONGRESS.—

   (1) IN GENERAL.—Using data complied under subsection (a), the Inspector General of the Depart-
ment of the Treasury shall submit a report contain-
ing the information described in paragraph (2) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than October 1, 2020, and the 1st day of every third month beginning thereafter through January 1, 2021.

(2) CONTENT.—Each report submitted under paragraph (1) shall include data on the disburse-
ment and use of funds from State or government relief payments, including with respect to the amounts and recipients of disbursements made—

(A) by States receiving such payments to—

(i) units of local government (as de-
defined in section 601(g)(2) of the Social Se-
curity Act (42 U.S.C. 801(g)(2)); and

(ii) counties, municipalities, towns, townships, villages, parishes, boroughs, or other units of general government below the State level with a population that does not exceed 500,000; and

(B) by the Secretary of the Treasury di-
rectly to units of local government (as so de-
SEC. 403. STATE TAX CERTAINTY FOR EMPLOYERS AND EMPLOYEES.

(a) LIMITATIONS ON WITHHOLDING AND TAXATION OF EMPLOYEE INCOME.—

(1) IN GENERAL.—No part of the wages or other remuneration earned by an employee who is a resident of a taxing jurisdiction and performs employment duties in more than one taxing jurisdiction shall be subject to income tax in any taxing jurisdiction other than—

(A) the taxing jurisdiction of the employee’s residence; and

(B) any taxing jurisdiction within which the employee is present and performing employment duties for more than 30 days during the calendar year in which the wages or other remuneration is earned.

(2) INCOME TAX WITHHOLDING AND REPORTING.—Wages or other remuneration earned in any calendar year shall not be subject to income tax withholding and reporting requirements with respect to any taxing jurisdiction unless the employee is subject to income tax in such taxing jurisdiction under.
paragraph (1). Income tax withholding and reporting requirements under paragraph (1)(B) shall apply to wages or other remuneration earned as of the commencement date of employment duties in the taxing jurisdiction during the calendar year.

(3) OPERATING RULES.—For purposes of determining penalties related to an employer’s income tax withholding and reporting requirements with respect to any taxing jurisdiction—

(A) an employer may rely on an employee’s annual determination of the time expected to be spent by such employee in the performance of employment duties in the taxing jurisdictions in which the employee will perform such duties absent—

(i) the employer’s actual knowledge of fraud by the employee in making the determination; or

(ii) collusion between the employer and the employee to evade tax;

(B) except as provided in subparagraph (C), if records are maintained by an employer in the regular course of business that record the location at which an employee performs employment duties, such records shall not preclude an
employer’s ability to rely on an employee’s determination under subparagraph (A); and

(C) notwithstanding subparagraph (B), if an employer, at its sole discretion, maintains a time and attendance system that tracks where the employee performs duties on a daily basis, data from the time and attendance system shall be used instead of the employee’s determination under subparagraph (A).

(4) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection:

(A) DAY.—

(i) Except as provided in clause (ii), an employee is considered present and performing employment duties within a taxing jurisdiction for a day if the employee performs more of the employee’s employment duties within such taxing jurisdiction than in any other taxing jurisdiction during a day.

(ii) If an employee performs employment duties in a resident taxing jurisdiction and in only one nonresident taxing jurisdiction during one day, such employee shall be considered to have performed more
of the employee’s employment duties in the
nonresident taxing jurisdiction than in the
resident taxing jurisdiction for such day.

(iii) For purposes of this subpara-
graph, the portion of the day during which
the employee is in transit shall not be con-
sidered in determining the location of an
employee’s performance of employment du-
ties.

(B) Employee.—

(i) In general.—

(I) General definition.—Except as provided in subclause (II), the
term “employee” has the meaning
given such term in section 3121(d) of
the Internal Revenue Code of 1986
(26 U.S.C. 3121(d)), unless such term
is defined by the taxing jurisdiction in
which the person’s employment duties
are performed, in which case the tax-
ing jurisdiction’s definition shall pre-
vail.

(II) Exception.—The term
“employee” shall not include a profes-
sional athlete, professional enter-
tainer, qualified production employee, or certain public figures.

(ii) Professional Athlete.—The term “professional athlete” means a person who performs services in a professional athletic event, provided that the wages or other remuneration are paid to such person for performing services in his or her capacity as a professional athlete.

(iii) Professional Entertainer.—The term “professional entertainer” means a person of prominence who performs services in the professional performing arts for wages or other remuneration on a per-event basis, provided that the wages or other remuneration are paid to such person for performing services in his or her capacity as a professional entertainer.

(iv) Qualified Production Employee.—The term “qualified production employee” means a person who performs production services of any nature directly in connection with a taxing jurisdiction qualified, certified or approved film, television or other commercial video produc-
tion for wages or other remuneration, pro-
vided that the wages or other remuneration
paid to such person are qualified produc-
tion costs or expenditures under such tax-
ing jurisdiction’s qualified, certified or ap-
proved film, television or other commercial
video production incentive program, and
that such wages or other remuneration
must be subject to withholding under such
qualified, certified or approved film, tele-
vision or other commercial video produc-
tion incentive program as a condition to
treating such wages or other remuneration
as a qualified production cost or expendi-
ture.

(v) Certain public figures.—The
term “certain public figures” means per-
sons of prominence who perform services
for wages or other remuneration on a per-
event basis, provided that the wages or
other remuneration are paid to such per-
son for services provided at a discrete
event, in the nature of a speech, public ap-
pearance, or similar event.
(C) Employer.—The term “employer” has the meaning given such term in section 3401(d) of the Internal Revenue Code of 1986 (26 U.S.C. 3401(d)), unless such term is defined by the taxing jurisdiction in which the employee’s employment duties are performed, in which case the taxing jurisdiction’s definition shall prevail.

(D) Taxing Jurisdiction.—The term “taxing jurisdiction” means any of the several States, the District of Columbia, or any municipality, city, county, township, parish, transportation district, or assessment jurisdiction, or any other political subdivision of a State with the authority to impose a tax, charge, or fee.

(E) Time and Attendance System.—The term “time and attendance system” means a system in which—

(i) the employee is required on a contemporaneous basis to record his or her work location for every day worked outside of the taxing jurisdiction in which the employee’s employment duties are primarily performed; and
(ii) the system is designed to allow the employer to allocate the employee’s wages for income tax purposes among all taxing jurisdictions in which the employee performs employment duties for such employer.

(F) WAGES OR OTHER REMUNERATION.—The term “wages or other remuneration” may be defined by the taxing jurisdiction in which the employment duties are performed.

(5) PLACE OF RESIDENCE.—For purposes of this subsection, the residence of an employee shall be determined under the laws of the taxing jurisdiction in which such employee maintains a dwelling which serves as the employee’s permanent place of abode during the calendar year.

(6) ADJUSTMENT DURING CORONAVIRUS PANDEMIC.—With respect to calendar year 2020, in the case of any employee who performs employment duties in any taxing jurisdiction other than the taxing jurisdiction of the employee’s residence during such year as a result of the COVID–19 public health emergency, paragraph (1)(B) shall be applied by substituting “90 days” for “30 days”.

(b) STATE AND LOCAL TAX CERTAINTY.—
(1) Status of Employees during Covered Period.—Notwithstanding subsection (a)(1)(B) or any provision of law of a taxing jurisdiction, with respect to any employee whose primary work location is within a taxing jurisdiction and who is working remotely within another taxing jurisdiction during the covered period—

(A) except as provided under subparagraph (B), any wages earned by such employee during such period shall be deemed to have been earned at the primary work location of such employee; and

(B) if an employer, at its sole discretion, maintains a system that tracks where such employee performs duties on a daily basis, wages earned by such employee may, at the election of such employer, be treated as earned at the location in which such duties were remotely performed.

(2) Status of Businesses during Covered Period.—Notwithstanding any provision of law of a taxing jurisdiction—

(A) in the case of an out-of-jurisdiction business which has any employees working remotely within such jurisdiction during the cov-
erred period, the duties performed by such em-
ployees within such jurisdiction during such pe-
riod shall not be sufficient to create any nexus
or establish any minimum contacts or level of
presence that would otherwise subject such
business to any registration, taxation, or other
related requirements for businesses operating
within such jurisdiction; and

(B) except as provided under paragraph
(1)(B), with respect to any tax imposed by such
taxing jurisdiction which is determined, in
whole or in part, based on net or gross receipts
or income, for purposes of apportioning or
sourcing such receipts or income, any duties
performed by an employee of an out-of-jurisdic-
tion business while working remotely during the
covered period—

(i) shall be disregarded with respect to
any filing requirements for such tax; and

(ii) shall be apportioned and sourced
to the tax jurisdiction which includes the
primary work location of such employee.

(3) Definitions.—For purposes of this sub-
section—
(A) COVERED PERIOD.—The term “covered period” means, with respect to any employee working remotely, the period—

(i) beginning on the date on which such employee began working remotely; and

(ii) ending on the earlier of—

(I) the date on which the employer allows, at the same time—

(aa) such employee to return to their primary work location; and

(bb) not less than 90 percent of their permanent workforce to return to such work location; or


(B) EMPLOYEE.—The term “employee” has the meaning given such term in section 3121(d) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(d)), unless such term is defined by the taxing jurisdiction in which the person’s employment duties are deemed to be performed pursuant to paragraph (1), in which
case the taxing jurisdiction’s definition shall prevail.

(C) Employer.—The term “employer” has the meaning given such term in section 3401(d) of the Internal Revenue Code of 1986 (26 U.S.C. 3401(d)), unless such term is defined by the taxing jurisdiction in which the employee’s employment duties are deemed to be performed pursuant to paragraph (1), in which case the taxing jurisdiction’s definition shall prevail.

(D) Out-of-Jurisdiction Business.—The term “out-of-jurisdiction business” means, with respect to any taxing jurisdiction, any business entity which, excepting any employees of such business who are working remotely within such jurisdiction during the covered period, would not otherwise be subject to any tax filing requirements under the existing law of such taxing jurisdiction.

(E) Primary Work Location.—The term “primary work location” means, with respect to an employee, the address of the employer where the employee is regularly assigned to work when
such employee is not working remotely during the covered period.

(F) TAXING JURISDICTION.—The term “taxing jurisdiction” has the same meaning given such term under subsection (a)(4)(D).

(G) WAGES.—The term “wages” means all wages and other remuneration paid to an employee that are subject to tax or withholding requirements under the law of the taxing jurisdiction in which the employment duties are deemed to be performed under paragraph (1) during the covered period.

(H) WORKING REMOTELY.—The term “working remotely” means the performance of duties by an employee at a location other than the primary work location of such employee at the direction of his or her employer due to conditions resulting from the public health emergency relating to the virus SARS–CoV–2 or coronavirus disease 2019 (referred to in this subparagraph as “COVID–19”), including—

(i) to comply with any government order relating to COVID–19;

(ii) to prevent the spread of COVID–19; and
(iii) due to the employee or a member of the employee’s family contracting COVID–19.

(4) Preservation of Authority of Taxing Jurisdictions.—This subsection shall not be construed as modifying, impairing, superseding, or authorizing the modification, impairment, or supersession of the law of any taxing jurisdiction pertaining to taxation except as expressly provided in paragraphs (1) through (3).

(c) Effective Date; Applicability.—

(1) Effective Date.—Subject to paragraph (3), this section shall apply to calendar years beginning after December 31, 2019.

(2) Applicability.—This section shall not apply to any tax obligation that accrues before January 1, 2020.

(3) Termination.—Subsection (a) shall not apply to calendar years beginning after December 31, 2024.

TITLE V—EMERGENCY DESIGNATION

SEC. 501. EMERGENCY DESIGNATION.

(a) In General.—The amounts provided by this Act and the amendments made by this Act are designated as
an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this Act and the amendments made by this Act are designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.