

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.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

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

Sec. 1. Short title; table of contents.

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 CER- TAINTY 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 2 WORKERS AFFECTED BY 3 CORONAVIRUS

4 SEC. 101. IMPROVEMENTS TO FEDERAL PANDEMIC UNEM- 5 PLOYMENT COMPENSATION TO BETTER 6 MATCH LOST WAGES.

7 (a) EXTENSION.—Section 2104(e)(2) of the Relief
8 for Workers Affected by Coronavirus Act (contained in
9 subtitle A of title II of division A of the CARES Act (Pub-
10 lic Law 116–136)) is amended by striking “July 31,
11 2020” and inserting “December 31, 2020”.

12 (b) IMPROVEMENTS TO ACCURACY OF PAYMENTS.—

13 (1) FEDERAL PANDEMIC UNEMPLOYMENT COM-
14 PENSATION.—

15 (A) IN GENERAL.—Section 2104(b) of the
16 Relief for Workers Affected by Coronavirus Act
17 (contained in subtitle A of title II of division A

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)”; and

(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:

1 “(I) Subject to subclause (II), an
2 amount equal to—

3 “(aa) 70 percent of the indi-
4 vidual’s average weekly wages;
5 minus

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

9 “(II) If proposed by the State as
10 an alternative to subclause (I) and ap-
11 proved by the Secretary, an amount
12 that results in the sum of the base
13 amount and the amount of Federal
14 Pandemic Unemployment Compensa-
15 tion under this section being on aver-
16 age equal to 70 percent of lost wages.

17 “(B) WAIVER TO TEMPORARILY CONTINUE
18 FLAT DOLLAR AMOUNT.—If a State determines
19 that it is unable to calculate amounts under ei-
20 ther subclause (I) or (II) of subparagraph
21 (A)(iii), the State may apply to the Secretary
22 for a waiver under which the amount specified
23 under subparagraph (A)(ii) shall apply under
24 this paragraph for weeks of unemployment be-

ginning 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 applica-
ble; or

“(ii) for all other weeks of unemploy-
ment, the amount determined under para-
graph (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 in-
dividual weekly unemployment com-
pensation benefit amount based on an
individual’s average weekly wages in a
base period, an amount equal to the

1 individual's average weekly wages
2 used in such computation.

3 “(II) If the State computes the
4 individual weekly unemployment com-
5 pensation benefit amount based on
6 high quarter wages or a formula using
7 wages across some but not all quar-
8 ters in a base period, an amount equal
9 to $\frac{1}{13}$ of such high quarter wages or
10 average wages of the applicable quar-
11 ters used in the computation for the
12 individual.

13 “(III) If the State uses computa-
14 tions other than the computations
15 under subclause (I) or (II) for the in-
16 dividual weekly unemployment com-
17 pensation benefit amount, or for com-
18 putations of the weekly benefit
19 amount under the pandemic unem-
20 ployment assistance program under
21 section 2102, as described in sub-
22 section (d)(1)(A)(i) or (d)(2) of such
23 section 2102, for which subclause (I)
24 or (II) do not apply, an amount equal

1 to $\frac{1}{52}$ of the sum of all base period
 2 wages.

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

11 (B) TECHNICAL AMENDMENT REGARDING
 12 APPLICATION TO SHORT-TIME COMPENSATION
 13 PROGRAMS AND AGREEMENTS.—Section
 14 2104(i)(2) of the Relief for Workers Affected
 15 by Coronavirus Act (contained in subtitle A of
 16 title II of division A of the CARES Act (Public
 17 Law 116–136)) is amended—

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

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

23 (iii) by adding at the end the fol-
 24 lowing:

“(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

1 Relief for Workers Affected by Coronavirus Act (contained
 2 in subtitle A of title II of division A of the CARES Act
 3 (Public Law 116–136)) is amended by adding at the end
 4 the following new sentence: “The preceding sentence shall
 5 not apply to any Federal Pandemic Unemployment Com-
 6 pensation paid to an individual with respect to a week of
 7 unemployment ending on or after October 5, 2020.”.

8 (d) REQUIREMENT FOR RETURN TO WORK NOTIFI-
 9 CATION AND REPORTING.—Section 2104(b) of the Relief
 10 for Workers Affected by Coronavirus Act (contained in
 11 subtitle A of title II of division A of the CARES Act (Pub-
 12 lic Law 116–136)) is amended by adding at the end the
 13 following new paragraph:

14 “(3) Beginning 30 days after the date of enact-
 15 ment of this paragraph, any agreement under this
 16 section shall require that the State has in place a
 17 process to address refusal to return to work or re-
 18 fusual of suitable work that includes the following:

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

23 “(i) Return to work requirements.

24 “(ii) Rights to refuse to return to
 25 work or to refuse suitable work.

1 “(iii) How to contest the denial of a
2 claim that has been denied due to a claim
3 by an employer that the individual refused
4 to return to work or refused suitable work.

5 “(B) Providing a plain-language notice to
6 employers through any system used by employ-
7 ers or any regular correspondence sent to em-
8 ployers regarding how to notify the State if an
9 individual refuses to return to work.

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

12 (e) EFFECTIVE DATE.—The amendments made by
13 this section (other than the amendment made by sub-
14 section (d)) shall take effect as if included in the enact-
15 ment of the Relief for Workers Affected by Coronavirus
16 Act (contained in subtitle A of title II of division A of
17 the CARES Act (Public Law 116–136)).

18 **SEC. 102. SUPPLEMENTAL EMERGENCY UNEMPLOYMENT**
19 **RELIEF FOR GOVERNMENTAL ENTITIES AND**
20 **NONPROFIT ORGANIZATIONS.**

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

24 (b) EFFECTIVE DATE.—The amendment made by
25 subsection (a) shall take effect as if included in the enact-

1 ment of the Relief for Workers Affected by Coronavirus
 2 Act (contained in subtitle A of title II of division A of
 3 the CARES Act (Public Law 116–136)).

4 **SEC. 103. CONFORMING ELIGIBILITY FOR PANDEMIC UN-**
 5 **EMPLOYMENT ASSISTANCE TO DISASTER UN-**
 6 **EMPLOYMENT ASSISTANCE AND ACCEL-**
 7 **ERATING APPEAL REVIEW.**

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

13 (1) in paragraph (3)—

14 (A) in subparagraph (A)—

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

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

19 “(iii) provides documentation substan-
 20 tiating employment or self-employment or
 21 the planned commencement of employment
 22 or self-employment not later than 21 days
 23 after the date on which the individual sub-
 24 mits an application for assistance under
 25 this section or is directed by the State

1 Agency to submit such documentation or
 2 has shown good cause under the applicable
 3 State law for failing to submit such docu-
 4 mentation by the deadline, in accordance
 5 with section 625.6(e) of title 20, Code of
 6 Federal Regulations, or any successor
 7 thereto, except that such documentation
 8 shall not be required if the individual pre-
 9 viously submitted such information to the
 10 State agency for the purpose of obtaining
 11 regular or other unemployment compensa-
 12 tion; and”; and

13 (B) in subparagraph (B)—

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

16 (ii) in clause (ii), by striking the pe-
 17 riod at the end and inserting “; or”; and

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

20 “(iii) in accordance with section
 21 625.6(e)(2) of title 20, Code of Federal
 22 Regulations, or any successor thereto, an
 23 individual who does not provide docu-
 24 mentation substantiating employment or
 25 self-employment or the planned commence-

1 ment of employment or self-employment
2 under subparagraph (A)(iii).”;

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

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

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

19 (b) APPLICABILITY.—

20 (1) IN GENERAL.—Beginning not later than 30
21 days after the date of enactment of this Act, each
22 State shall require that documentation substan-
23 tiating employment or self-employment or the
24 planned commencement of employment or self-em-
25 ployment (as defined in section 2102 of the Relief

1 for Workers Affected by Coronavirus Act (contained
2 in subtitle A of title II of division A of the CARES
3 Act (Public Law 116–136)) be submitted by any in-
4 dividual who applies for pandemic unemployment as-
5 sistance under section 2102 of the Relief for Work-
6 ers Affected by Coronavirus Act (contained in sub-
7 title A of title II of division A of the CARES Act
8 (Public Law 116–136)) on or after the date of en-
9 actment of this Act.

10 (2) PRIOR APPLICANTS.—Any individual who
11 applied for pandemic unemployment assistance
12 under section 2102 of the Relief for Workers Af-
13 fected by Coronavirus Act (contained in subtitle A of
14 title II of division A of the CARES Act (Public Law
15 116–136)) before the date of enactment of this Act
16 and receives such assistance on or after the date of
17 enactment of this Act shall submit documentation
18 substantiating employment or self-employment or
19 the planned commencement of employment or self-
20 employment (as defined in such section 2102) not
21 later than 90 days after the date of enactment of
22 this Act or the individual will be ineligible to receive
23 pandemic unemployment assistance under such sec-
24 tion 2102.

1 (c) CONFORMING ELIGIBILITY FOR PANDEMIC UN-
 2 EMPLOYMENT ASSISTANCE TO DISASTER UNEMPLOY-
 3 MENT ASSISTANCE.—Section 2102(a)(3)(A) of the Relief
 4 for Workers Affected by Coronavirus Act (contained in
 5 subtitle A of title II of division A of the CARES Act (Pub-
 6 lic Law 116–136)), as amended by subsection (a), is
 7 amended—

8 (1) in clause (ii)—

9 (A) in subclause (I), in the matter pre-
 10 ceding item (aa), by inserting “in the employ-
 11 ment or service described in clause (iv)” after
 12 “unavailable to work”; and

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

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

17 “(iv) provides self-certification that
 18 the principal source of income and liveli-
 19 hood of the individual are dependent upon
 20 the individual’s employment for wages or
 21 the individual’s performance of service in
 22 self-employment; and”.

23 (d) PANDEMIC UNEMPLOYMENT ASSISTANCE AP-
 24 PEALS.—

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

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

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

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

19 “(A) carried out by the applicable State
 20 that made the determination or redetermina-
 21 tion; and

22 “(B) conducted in the same manner and to
 23 the same extent as the applicable State would
 24 conduct appeals of determinations or redeter-

1 minations regarding rights to compensation
2 under State law.”.

3 (2) EFFECTIVE DATE.—The amendment made
4 by paragraph (1) shall take effect as if included in
5 the enactment of the Relief for Workers Affected by
6 Coronavirus Act (contained in subtitle A of title II
7 of division A of the CARES Act (Public Law 116–
8 136)).

9 (3) APPLICABILITY.—The amendment made by
10 paragraph (1) shall not affect any decision regarding
11 the rights to pandemic unemployment assistance
12 under section 2102 of the Relief for Workers Af-
13 fected by Coronavirus Act (contained in subtitle A of
14 title II of division A of the CARES Act (Public Law
15 116–136)) issued on appeal or review before the
16 date of enactment of this Act.

17 (e) TECHNICAL CORRECTION.—Section 2102(h) of
18 the Relief for Workers Affected by Coronavirus Act (con-
19 tained in subtitle A of title II of division A of the CARES
20 Act (Public Law 116–136)) is amended by striking “sec-
21 tion 625” each place it appears and inserting “part 625”.

22 **SEC. 104. IMPROVEMENTS TO STATE UNEMPLOYMENT SYS-**
23 **TEMS AND STRENGTHENING PROGRAM IN-**
24 **TEGRITY.**

25 (a) UNEMPLOYMENT COMPENSATION SYSTEMS.—

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

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

6 (B) at the end of each of paragraphs (1)
7 through (10) and paragraph (11)(B), by strik-
8 ing “; and” and inserting a period; and

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

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

14 “(A) The system shall be capable of han-
15 dling a surge of claims that would represent a
16 twentyfold increase in claims from January
17 2020 levels, occurring over a one-month period.

18 “(B) The system shall be capable of—

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

22 “(ii) adjusting weekly earnings dis-
23 regards, including the ability to adjust
24 such disregards in relation to an individ-

1 ual’s earnings or weekly benefit amount;
2 and

3 “(iii) providing for wage replacement
4 levels that vary based on the duration of
5 benefit receipt.

6 “(C) The system shall have in place an
7 automated process for receiving and processing
8 claims for disaster unemployment assistance
9 under section 410(a) of the Robert T. Stafford
10 Disaster Relief and Emergency Assistance Act
11 (42 U.S.C. 5177(a)), with flexibility to adapt
12 rules regarding individuals eligible for assist-
13 ance and the amount payable.

14 “(D) In the case of a State that makes
15 payments of short-time compensation under a
16 short-time compensation program (as defined in
17 section 3306(v) of the Internal Revenue Code of
18 1986), the system shall have in place an auto-
19 mated process of receiving and processing
20 claims for short-time compensation.

21 “(E) The system shall have in place an
22 automated process for receiving and processing
23 claims for—

24 “(i) unemployment compensation for
25 Federal civilian employees under sub-

1 chapter I of chapter 85 of title 5, United
2 States Code;

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

7 “(iii) trade readjustment allowances
8 under sections 231 through 233 of the
9 Trade Act of 1974 (19 U.S.C. 2291–
10 2293).”.

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

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

17 (B) October 1, 2023.

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

22 “(n) ELECTRONIC TRANSMISSION OF UNEMPLOY-
23 MENT COMPENSATION INFORMATION.—

24 “(1) IN GENERAL.—Not later than October 1,
25 2022, the State agency charged with administration

1 of the State law shall use a system developed (in
2 consultation with stakeholders) and designated by
3 the Secretary of Labor for automated electronic
4 transmission of requests for information relating to
5 unemployment compensation and the provision of
6 such information between such agency and employ-
7 ers or their agents.

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

14 “(3) EMPLOYER PARTICIPATION.—The Sec-
15 retary of Labor shall work with the State agency
16 charged with administration of the State law to in-
17 crease the number of employers using this system
18 and to resolve any technical challenges with the sys-
19 tem.

20 “(4) REPORTS ON USE OF ELECTRONIC SYS-
21 TEM.—After the end of each fiscal year, on a date
22 determined by the Secretary, each State shall report
23 to the Secretary information on—

24 “(A) the proportion of employers using the
25 designated system described in paragraph (1);

1 “(B) the reasons employers are not using
2 such system; and

3 “(C) the efforts the State is undertaking
4 to increase employer’s use of such system.

5 “(5) ENFORCEMENT.—Whenever the Secretary
6 of Labor, after reasonable notice and opportunity for
7 hearing to the State agency charged with the admin-
8 istration of the State law, finds that there is a fail-
9 ure to comply substantially with the requirements of
10 paragraph (1), the Secretary of Labor shall notify
11 such State agency that further payments will not be
12 made to the State until the Secretary of Labor is
13 satisfied that there is no longer any such failure.
14 Until the Secretary of Labor is so satisfied, such
15 Secretary shall make no future certification to the
16 Secretary of the Treasury with respect to the
17 State.”.

18 (c) UNEMPLOYMENT COMPENSATION INTEGRITY
19 DATA HUB.—

20 (1) IN GENERAL.—Section 303(a) of the Social
21 Security Act (42 U.S.C. 503(a)), as amended by
22 subsection (a), is amended by adding at the end the
23 following new paragraph:

24 “(14) The State agency charged with adminis-
25 tration of the State law shall use the system des-

1 ignated by the Secretary of Labor for cross-match-
 2 ing claimants of unemployment compensation under
 3 State law against any databases in the system to
 4 prevent and detect fraud and improper payments.”.

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

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

11 (B) October 1, 2022.

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

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

23 “(1) The system designated by the Secretary of
 24 Labor for the electronic transmission of requests for

1 information relating to interstate claims for unem-
 2 ployment compensation.

3 “(2) The system designated by the Secretary of
 4 Labor for cross-matching claimants of unemploy-
 5 ment compensation under State law against data-
 6 bases to prevent and detect fraud and improper pay-
 7 ments (as referred to in subsection (a)(14)).”.

8 (e) USE OF NATIONAL DIRECTORY OF NEW HIRES
 9 IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION
 10 PROGRAMS AND PENALTIES ON NONCOMPLYING EMPLOY-
 11 ERS.—

12 (1) IN GENERAL.—Section 303 of the Social
 13 Security Act (42 U.S.C. 503), as amended by sub-
 14 sections (b) and (d), is amended by adding at the
 15 end the following new subsection:

16 “(p) USE OF NATIONAL DIRECTORY OF NEW
 17 HIRES.—

18 “(1) IN GENERAL.—Not later than October 1,
 19 2022, the State agency charged with administration
 20 of the State law shall—

21 “(A) compare information in the National
 22 Directory of New Hires established under sec-
 23 tion 453(i) against information about individ-
 24 uals claiming unemployment compensation to
 25 identify any such individuals who may have be-

1 come employed, in accordance with any regula-
2 tions or guidance that the Secretary of Health
3 and Human Services may issue and consistent
4 with the computer matching provisions of the
5 Privacy Act of 1974;

6 “(B) take timely action to verify whether
7 the individuals identified pursuant to subpara-
8 graph (A) are employed; and

9 “(C) upon verification pursuant to sub-
10 paragraph (B), take appropriate action to sus-
11 pend or modify unemployment compensation
12 payments, and to initiate recovery of any im-
13 proper unemployment compensation payments
14 that have been made.

15 “(2) ENFORCEMENT.—Whenever the Secretary
16 of Labor, after reasonable notice and opportunity for
17 hearing to the State agency charged with the admin-
18 istration of the State law, finds that there is a fail-
19 ure to comply substantially with the requirements of
20 paragraph (1), the Secretary of Labor shall notify
21 such State agency that further payments will not be
22 made to the State until the Secretary of Labor is
23 satisfied that there is no longer any such failure.
24 Until the Secretary of Labor is so satisfied, such
25 Secretary shall make no future certification to the

1 Secretary of the Treasury with respect to the
2 State.”.

3 (2) PENALTIES.—

4 (A) IN GENERAL.—Section 453A(d) of the
5 Social Security Act (42 U.S.C. 653a(d)), in the
6 matter preceding paragraph (1), is amended by
7 striking “have the option to set a State civil
8 money penalty which shall not exceed” and in-
9 serting “set a State civil money penalty which
10 shall be no less than”.

11 (B) EFFECTIVE DATE.—The amendment
12 made by subparagraph (A) shall apply to pen-
13 alties assessed on or after October 1, 2022.

14 (f) STATE PERFORMANCE.—

15 (1) IN GENERAL.—Section 303 of the Social
16 Security Act (42 U.S.C. 503), as amended by sub-
17 sections (b), (d), and (e), is amended by adding at
18 the end the following new subsection:

19 “(q) STATE PERFORMANCE.—

20 “(1) IN GENERAL.—For purposes of assisting
21 States in meeting the requirements of this title, title
22 IX, title XII, or chapter 23 of the Internal Revenue
23 Code of 1986 (commonly referred to as ‘the Federal
24 Unemployment Tax Act’), the Secretary of Labor
25 may—

1 “(A) consistent with subsection (a)(1), es-
2 tablish measures of State performance, includ-
3 ing criteria for acceptable levels of performance,
4 performance goals, and performance measure-
5 ment programs;

6 “(B) consistent with subsection (a)(6), re-
7 quire States to provide to the Secretary of
8 Labor data or other relevant information from
9 time to time concerning the operations of the
10 State or State performance, including the meas-
11 ures, criteria, goals, or programs established
12 under paragraph (1);

13 “(C) require States with sustained failure
14 to meet acceptable levels of performance or with
15 performance that is substantially below accept-
16 able standards, as determined based on the
17 measures, criteria, goals, or programs estab-
18 lished under subparagraph (A), to implement
19 specific corrective actions and use specified
20 amounts of the administrative grants under this
21 title provided to such States to improve per-
22 formance; and

23 “(D) based on the data and other informa-
24 tion provided under subparagraph (B)—

1 “(i) to the extent the Secretary of
2 Labor determines funds are available after
3 providing grants to States under this title
4 for the administration of State laws, recog-
5 nize and make awards to States for per-
6 formance improvement, or performance ex-
7 ceeding the criteria or meeting the goals
8 established under subparagraph (A); or

9 “(ii) to the extent the Secretary of
10 Labor determines funds are available after
11 providing grants to States under this title
12 for the administration of State laws, pro-
13 vide incentive funds to high-performing
14 States based on the measures, criteria,
15 goals, or programs established under sub-
16 paragraph (A).

17 “(2) ENFORCEMENT.—Whenever the Secretary
18 of Labor, after reasonable notice and opportunity for
19 hearing to the State agency charged with the admin-
20 istration of the State law, finds that there is a fail-
21 ure to comply substantially with the requirements of
22 paragraph (1), the Secretary of Labor shall notify
23 such State agency that further payments will not be
24 made to the State until the Secretary of Labor is
25 satisfied that there is no longer any such failure.

1 Until the Secretary of Labor is so satisfied, such
 2 Secretary shall make no future certification to the
 3 Secretary of the Treasury with respect to the
 4 State.”.

5 (2) EFFECTIVE DATE.—The amendments made
 6 by this subsection shall take effect on the date of en-
 7 actment of this Act.

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

15 **SEC. 105. TANF CORONAVIRUS EMERGENCY FUND.**

16 (a) TEMPORARY FUND.—

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

20 “(c) TANF CORONAVIRUS EMERGENCY FUND.—

21 “(1) ESTABLISHMENT.—There is established in
 22 the Treasury of the United States a fund which
 23 shall be known as the ‘Coronavirus Emergency Fund
 24 for State Temporary Assistance for Needy Families

1 Programs’ (in this subsection referred to as the
2 ‘TANF Coronavirus Emergency Fund’).

3 “(2) DEPOSITS INTO FUND.—

4 “(A) IN GENERAL.—Out of any money in
5 the Treasury of the United States not otherwise
6 appropriated, there are appropriated for the pe-
7 riod of fiscal years 2020 through 2021,
8 \$2,000,000,000 for payment to the TANF
9 Coronavirus Emergency Fund.

10 “(B) USE OF FUNDS.—Subject to subpara-
11 graph (C), the amounts appropriated to the
12 TANF Coronavirus Emergency Fund under
13 subparagraph (A) shall be used to make grants
14 to States in fiscal years 2020 and 2021 in ac-
15 cordance with the requirements of paragraph
16 (3).

17 “(C) ADMINISTRATION.—The Secretary
18 may reserve up to \$4,000,000 of the amount
19 appropriated for the period of fiscal years 2020
20 through 2021 under subparagraph (A) for ex-
21 penses related to administering this subsection.

22 “(D) LIMITATION.—In no case may the
23 Secretary make a grant from the TANF
24 Coronavirus Emergency Fund for a fiscal year
25 after fiscal year 2021.

1 “(3) GRANTS TO STATES FOR INCREASED EX-
 2 PENDITURES FOR BASIC ASSISTANCE, NON-RECUR-
 3 RENT SHORT TERM BENEFITS, AND WORK SUP-
 4 PORTS.—

5 “(A) IN GENERAL.—For each of the 3rd
 6 and 4th quarters of fiscal year 2020 and each
 7 quarter of fiscal year 2021, the Secretary shall
 8 make a grant from the TANF Coronavirus
 9 Emergency Fund to each State that—

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

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

14 “(B) INCREASED EXPENDITURES.—A
 15 State meets the requirements of this subpara-
 16 graph for a quarter if—

17 “(i) the total amount expended by the
 18 State for the quarter under the State pro-
 19 gram funded under this part or any other
 20 State program funded with qualified State
 21 expenditures (as defined in section
 22 409(a)(7)(B)(i)) for basic assistance, non-
 23 recurrent short-term benefits, and work
 24 supports for eligible families, exceeds

1 “(ii) the total amount expended by the
2 State for the 1st quarter of fiscal year
3 2020 under the State program funded
4 under this part or any other State pro-
5 gram funded with qualified State expendi-
6 tures (as so defined) for basic assistance,
7 non-recurrent short-term benefits, and
8 work supports for eligible families.

9 “(C) AMOUNT OF GRANT.—Subject to
10 paragraph (4), the amount of the grant payable
11 to a State under this paragraph for a quarter
12 shall be the amount equal to 80 percent of the
13 excess of the expenditures for the quarter de-
14 scribed in clause (i) of subparagraph (B) over
15 the expenditures for the 1st quarter of fiscal
16 year 2020 described in clause (ii) of that sub-
17 paragraph.

18 “(D) AUTHORITY TO MAKE NECESSARY
19 ADJUSTMENTS TO DATA AND COLLECT NEEDED
20 DATA.—In determining the expenditures of a
21 State for basic assistance, non-recurrent short-
22 term benefits, and work supports during any
23 quarter for which the State requests funds
24 under this subsection, and for the 1st quarter
25 of fiscal year 2020, the Secretary may make ap-

1 appropriate adjustments to the data, on a State-
 2 by-State basis, to ensure that the data are com-
 3 parable. The Secretary may develop a mecha-
 4 nism for collecting expenditure data, including
 5 procedures which allow States to make reason-
 6 able estimates, and may set deadlines for mak-
 7 ing revisions to the data.

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

13 “(4) GRANT LIMITED TO STATE PROPORTIONAL
 14 SHARE OF CHILDREN IN POVERTY.—

15 “(A) IN GENERAL.—With respect to a
 16 State, the aggregate amount of the grants pay-
 17 able to the State under paragraph (3) for the
 18 3rd and 4th quarters of fiscal year 2020 and
 19 each quarter of fiscal year 2021 shall not ex-
 20 ceed the State child poverty proportion amount
 21 determined for the State for fiscal year 2020
 22 under subparagraph (B).

23 “(B) STATE CHILD POVERTY PROPORTION
 24 AMOUNT.—The State child poverty proportion
 25 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 chil-
dren in families with income below the pov-
erty line shall be determined based on the
most recent data available from the Bu-
reau 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

1 on the basis of the most recent data
 2 are available from the Bureau of the
 3 Census or such other poverty data as
 4 the Secretary determines appropriate);
 5 and

6 “(II) an Indian tribe, shall be de-
 7 termined in proportion to the tribal
 8 family assistance grant paid to the In-
 9 dian tribe for fiscal year 2020.

10 “(5) DEFINITIONS.—In this subsection:

11 “(A) BASIC ASSISTANCE.—The term ‘basic
 12 assistance’ means assistance including cash,
 13 payments, vouchers, and other forms of benefits
 14 designed to meet a family’s ongoing basic needs
 15 as defined by the Secretary.

16 “(B) ELIGIBLE FAMILIES.—

17 “(i) IN GENERAL.—The term ‘eligible
 18 family’ means a family (including a family
 19 of one) that—

20 “(I) has 1 or more children who
 21 have not attained 18 years of age; and

22 “(II) is in need as a result of the
 23 public health emergency with respect
 24 to the Coronavirus Disease 2019

1 (COVID-19) as determined by the
2 State in accordance with clause (ii).

3 “(ii) CRITERIA FOR NEED BASED ON
4 COVID-19 PUBLIC HEALTH EMERGENCY.—
5 A State shall define and publish on a pub-
6 licly available website maintained by the
7 State the criteria for determining a family
8 is in need as a result of the public health
9 emergency with respect to the Coronavirus
10 Disease 2019 (COVID-19) and shall report
11 such criteria to the Secretary. The Sec-
12 retary shall publish all the State criteria
13 reported under this clause on a publicly
14 available website maintained by the Sec-
15 retary.

16 “(C) NON-RECURRENT SHORT-TERM BEN-
17 EFITS.—The term ‘non-recurrent short-term
18 benefits’ means benefits intended to address a
19 specific crisis or need as defined by the Sec-
20 retary.

21 “(D) POVERTY LINE.—The term ‘poverty
22 line’ means the income official poverty line, as
23 defined by the Office of Management and
24 Budget, and revised annually in accordance

1 with section 673(2) of the Community Services
2 Block Grant Act (42 U.S.C. 9902(2)).

3 “(E) STATE.—The term ‘State’ has the
4 meaning given that term in section 419(5) and
5 includes Indian tribes, as defined in section
6 419(4).

7 “(F) WORK SUPPORTS.—The term ‘work
8 supports’ means benefits provided to help fami-
9 lies obtain, retain, or advance in employment as
10 defined by the Secretary.”.

11 (2) REPEAL.—Effective October 1, 2021, sub-
12 section (c) of section 403 of the Social Security Act
13 (42 U.S.C. 603) (as added by paragraph (1)) is re-
14 pealed.

15 (b) DISREGARD FROM LIMITATION ON TOTAL PAY-
16 MENTS TO TERRITORIES.—

17 (1) IN GENERAL.—Section 1108(a)(2) of the
18 Social Security Act (42 U.S.C. 1308(a)(2)) is
19 amended by inserting “403(c)(3),” after
20 “403(a)(5),”.

21 (2) SUNSET.—Effective October 1, 2021, sec-
22 tion 1108(a)(2) of the Social Security Act (42
23 U.S.C. 1308(a)(2)) is amended by striking
24 “403(c)(3),” (as added by paragraph (1)).

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

2 **Subtitle A—Relief for Individuals and Families**

3 **SEC. 201. ADDITIONAL 2020 RECOVERY REBATES FOR INDIVIDUALS.**

4 (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:

5 **“SEC. 6428A. ADDITIONAL 2020 RECOVERY REBATES FOR INDIVIDUALS.**

6 “(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—

7 “(1) \$1,200 (\$2,400 in the case of eligible individuals filing a joint return), plus

8 “(2) an amount equal to the product of \$500 multiplied by the number of dependents (as defined in section 152(a)) of the taxpayer.

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

4 “(c) LIMITATION BASED ON ADJUSTED GROSS IN-
 5 COME.—The amount of the credit allowed by subsection
 6 (a) (determined without regard to this subsection and sub-
 7 section (e)) shall be reduced (but not below zero) by 5
 8 percent of so much of the taxpayer’s adjusted gross in-
 9 come as exceeds—

10 “(1) \$150,000 in the case of a joint return,

11 “(2) \$112,500 in the case of a head of house-
 12 hold, and

13 “(3) \$75,000 in the case of a taxpayer not de-
 14 scribed in paragraph (1) or (2).

15 “(d) ELIGIBLE INDIVIDUAL.—

16 “(1) IN GENERAL.—For purposes of this sec-
 17 tion, the term ‘eligible individual’ means any indi-
 18 vidual who is not described in paragraph (2) and
 19 who was not deceased prior to January 1, 2020.

20 “(2) EXCEPTIONS.—An individual is described
 21 in this paragraph if such individual is—

22 “(A) a nonresident alien individual,

23 “(B) an individual with respect to whom a
 24 deduction under section 151 is allowable to an-
 25 other taxpayer for a taxable year beginning in

1 the calendar year in which the individual's tax-
 2 able year begins, or

3 “(C) an estate or trust.

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

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

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

19 “(f) ADVANCE REFUNDS AND CREDITS.—

20 “(1) IN GENERAL.—Subject to paragraph (5),
 21 each individual who was an eligible individual for
 22 such individual's first taxable year beginning in
 23 2019 shall be treated as having made a payment
 24 against the tax imposed by chapter 1 for such tax-

1 able year in an amount equal to the advance refund
2 amount for such taxable year.

3 “(2) ADVANCE REFUND AMOUNT.—For pur-
4 poses of paragraph (1), the advance refund amount
5 is the amount that would have been allowed as a
6 credit under this section for such taxable year if this
7 section (other than subsection (e) and this sub-
8 section) had applied to such taxable year.

9 “(3) TIMING AND MANNER OF PAYMENTS.—

10 “(A) TIMING.—The Secretary shall, sub-
11 ject to the provisions of this title, refund or
12 credit any overpayment attributable to this sec-
13 tion as rapidly as possible. No refund or credit
14 shall be made or allowed under this subsection
15 after December 31, 2020.

16 “(B) DELIVERY OF PAYMENTS.—Notwith-
17 standing any other provision of law, the Sec-
18 retary may certify and disburse refunds payable
19 under this subsection electronically to—

20 “(i) any account to which the payee
21 received or authorized, on or after January
22 1, 2018, a refund of taxes under this title
23 or of a Federal payment (as defined in sec-
24 tion 3332 of title 31, United States Code),

1 “(ii) any account belonging to a payee
2 from which that individual, on or after
3 January 1, 2018, made a payment of taxes
4 under this title, or

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

8 “(C) WAIVER OF CERTAIN RULES.—Not-
9 withstanding section 3325 of title 31, United
10 States Code, or any other provision of law, with
11 respect to any payment of a refund under this
12 subsection, a disbursing official in the executive
13 branch of the United States Government may
14 modify payment information received from an
15 officer or employee described in section
16 3325(a)(1)(B) of such title for the purpose of
17 facilitating the accurate and efficient delivery of
18 such payment. Except in cases of fraud or reck-
19 less neglect, no liability under sections 3325,
20 3527, 3528, or 3529 of title 31, United States
21 Code, shall be imposed with respect to pay-
22 ments made under this subparagraph.

23 “(4) NO INTEREST.—No interest shall be al-
24 lowed on any overpayment attributable to this sec-
25 tion.

1 “(5) APPLICATION TO CERTAIN INDIVIDUALS
2 WHO DO NOT FILE A RETURN OF TAX FOR 2019.—

3 “(A) IN GENERAL.—In the case of an indi-
4 vidual who, at the time of any determination
5 made pursuant to paragraph (3), has not filed
6 a tax return for the year described in para-
7 graph (1), the Secretary may—

8 “(i) apply such paragraph by sub-
9 stituting ‘2018’ for ‘2019’,

10 “(ii) use information with respect to
11 such individual for calendar year 2019 pro-
12 vided in—

13 “(I) Form SSA–1099, Social Se-
14 curity Benefit Statement, or

15 “(II) Form RRB–1099, Social
16 Security Equivalent Benefit State-
17 ment, or

18 “(iii) use information with respect to
19 such individual which is provided by—

20 “(I) in the case of a specified so-
21 cial security beneficiary or a specified
22 supplemental security income recipi-
23 ent, the Commissioner of Social Secu-
24 rity,

1 “(II) in the case of a specified
 2 railroad retirement beneficiary, the
 3 Railroad Retirement Board, and

4 “(III) in the case of a specified
 5 veterans beneficiary, the Secretary of
 6 Veterans Affairs (in coordination
 7 with, and with the assistance of, the
 8 Commissioner of Social Security if ap-
 9 propriate).

10 “(B) SPECIFIED INDIVIDUAL.—For pur-
 11 poses of this paragraph, the term ‘specified in-
 12 dividual’ means any individual who is—

13 “(i) a specified social security bene-
 14 ficiary,

15 “(ii) a specified supplemental security
 16 income recipient,

17 “(iii) a specified railroad retirement
 18 beneficiary, or

19 “(iv) a specified veterans beneficiary.

20 “(C) SPECIFIED SOCIAL SECURITY BENE-
 21 FICIARY.—For purposes of this paragraph, the
 22 term ‘specified social security beneficiary’
 23 means any individual who, for the last month
 24 that ends prior to the date of enactment of this
 25 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. 1382c(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 BENE-
 FICIARY.—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 pay-
 ment 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,

to a veteran, surviving spouse, child, or parent
 as described in paragraph (2), (3), (4)(A)(ii), or
 (5) of section 101, title 38, United States Code.

“(G) SUBSEQUENT DETERMINATIONS AND
 REDETERMINATIONS NOT TAKEN INTO AC-
 COUNT.—For purposes of this section, any indi-
 vidual’s status as a specified social security ben-

1 efficiary, a specified supplemental security in-
 2 come recipient, a specified railroad retirement
 3 beneficiary, or a specified veterans beneficiary
 4 shall be unaffected by any determination or re-
 5 determination of any entitlement to, or eligi-
 6 bility for, any benefit, payment, or compensa-
 7 tion, if such determination or redetermination
 8 occurs after the last month that ends prior to
 9 the date of enactment of this section.

10 “(H) PAYMENT TO REPRESENTATIVE PAY-
 11 EES AND FIDUCIARIES.—

12 “(i) IN GENERAL.—If the benefit,
 13 payment, or compensation referred to in
 14 subparagraph (C), (D), (E), or (F) with
 15 respect to any specified individual is paid
 16 to a representative payee or fiduciary, pay-
 17 ment by the Secretary under paragraph
 18 (3) with respect to such specified indi-
 19 vidual shall be made to such individual’s
 20 representative payee or fiduciary and the
 21 entire payment shall be used only for the
 22 benefit of the individual who is entitled to
 23 the payment.

24 “(ii) APPLICATION OF ENFORCEMENT
 25 PROVISIONS.—

1 “(I) In the case of a payment de-
2 scribed in clause (i) which is made
3 with respect to a specified social secu-
4 rity beneficiary or a specified supple-
5 mental security income recipient, sec-
6 tion 1129(a)(3) of the Social Security
7 Act (42 U.S.C. 1320a-8(a)(3)) shall
8 apply to such payment in the same
9 manner as such section applies to a
10 payment under title II or XVI of such
11 Act.

12 “(II) In the case of a payment
13 described in clause (i) which is made
14 with respect to a specified railroad re-
15 tirement beneficiary, section 13 of the
16 Railroad Retirement Act (45 U.S.C.
17 2311) shall apply to such payment in
18 the same manner as such section ap-
19 plies to a payment under such Act.

20 “(III) In the case of a payment
21 described in clause (i) which is made
22 with respect to a specified veterans
23 beneficiary, sections 5502, 6106, and
24 6108 of title 38, United States Code,
25 shall apply to such payment in the

1 same manner as such sections apply
2 to a payment under such title.

3 “(6) NOTICE TO INDIVIDUALS.—Not later than
4 15 days after the date on which the Secretary dis-
5 tributed any payment to an eligible individual pursu-
6 ant to this subsection, notice shall be sent by mail
7 to such individual’s last known address. Such notice
8 shall indicate the method by which such payment
9 was made, the amount of such payment, and a
10 phone number for the appropriate point of contact
11 at the Internal Revenue Service to report any failure
12 to receive such payment.

13 “(g) IDENTIFICATION NUMBER REQUIREMENT.—

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

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

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

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

1 “(2) VALID IDENTIFICATION NUMBER.—

2 “(A) IN GENERAL.—For purposes of para-
 3 graph (1), the term ‘valid identification num-
 4 ber’ means a social security number (as such
 5 term is defined in section 24(h)(7)).

6 “(B) ADOPTION TAXPAYER IDENTIFICA-
 7 TION NUMBER.—For purposes of paragraph
 8 (1)(C), in the case of a dependent who is adopt-
 9 ed or placed for adoption, the term ‘valid identi-
 10 fication number’ shall include the adoption tax-
 11 payer identification number of such dependent.

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

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

24 “(h) SPECIAL RULES WITH RESPECT TO PRIS-
 25 ONERS.—

1 “(1) DISALLOWANCE OF CREDIT.—

2 “(A) IN GENERAL.—Subject to subpara-
 3 graph (B), no credit shall be allowed under sub-
 4 section (a) to an eligible individual who is, for
 5 each day during calendar year 2020, described
 6 in clause (i), (ii), (iii), (iv), or (v) of section
 7 202(x)(1)(A) of the Social Security Act (42
 8 U.S.C. 402(x)(1)(A)).

9 “(B) JOINT RETURN.—In the case of eligi-
 10 ble individuals filing a joint return where 1
 11 spouse is described in subparagraph (A), sub-
 12 section (a)(1) shall be applied by substituting
 13 ‘\$1,200’ for ‘\$2,400’.

14 “(2) DENIAL OF ADVANCE REFUND OR CRED-
 15 IT.—No refund or credit shall be made or allowed
 16 under subsection (f) with respect to any individual
 17 whom the Secretary has knowledge is, at the time of
 18 any determination made pursuant to paragraph (3)
 19 of such subsection, described in clause (i), (ii), (iii),
 20 (iv), or (v) of section 202(x)(1)(A) of the Social Se-
 21 curity Act.

22 “(i) REGULATIONS.—The Secretary shall prescribe
 23 such regulations or other guidance as may be necessary
 24 to carry out the purposes of this section, including any

1 such measures as are deemed appropriate to avoid allow-
 2 ing multiple credits or rebates to a taxpayer.”.

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

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

11 (d) EXCEPTION FROM REDUCTION OR OFFSET.—

12 (1) IN GENERAL.—Any credit or refund allowed
 13 or made to any individual by reason of section
 14 6428A of the Internal Revenue Code of 1986 (as
 15 added by this section) or by reason of subsection (c)
 16 of this section shall not be—

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

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

23 (C) reduced or offset by other assessed
 24 Federal taxes that would otherwise be subject
 25 to levy or collection.

1 (2) ASSIGNMENT OF BENEFITS.—

2 (A) IN GENERAL.—The right of any per-
3 son to any applicable payment shall not be
4 transferable or assignable, at law or in equity,
5 and no applicable payment shall be subject to,
6 execution, levy, attachment, garnishment, or
7 other legal process, or the operation of any
8 bankruptcy or insolvency law.

9 (B) ENCODING OF PAYMENTS.—In the
10 case of an applicable payment described in sub-
11 paragraph (D)(iii)(I) that is paid electronically
12 by direct deposit through the Automated Clear-
13 ing House (ACH) network, the Secretary of the
14 Treasury (or the Secretary’s delegate) shall—

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

19 (ii) further encode the payment pursu-
20 ant to the same specifications as required
21 for a benefit payment defined in section
22 212.3 of title 31, Code of Federal Regula-
23 tions.

24 (C) GARNISHMENT.—

1 (i) ENCODED PAYMENTS.—In the case
2 of a garnishment order that applies to an
3 account that has received an applicable
4 payment that is encoded as provided in
5 subparagraph (B), a financial institution
6 shall follow the requirements and proce-
7 dures set forth in part 212 of title 31,
8 Code of Federal Regulations, except a fi-
9 nancial institution shall not, with regard to
10 any applicable payment, be required to
11 provide the notice referenced in sections
12 212.6 and 212.7 of title 31, Code of Fed-
13 eral Regulations. This paragraph shall not
14 alter the status of applicable payments as
15 tax refunds or other nonbenefit payments
16 for purpose of any reclamation rights of
17 the Department of the Treasury or the In-
18 ternal Revenue Service as per part 210 of
19 title 31 of the Code of Federal Regula-
20 tions.

21 (ii) OTHER PAYMENTS.—If a financial
22 institution receives a garnishment order,
23 other than an order that has been served
24 by the United States or an order that has
25 been served by a Federal, State, or local

1 child support enforcement agency, that has
2 been received by a financial institution and
3 that applies to an account into which an
4 applicable payment that has not been en-
5 coded as provided in subparagraph (B) has
6 been deposited electronically or by an ap-
7 plicable payment that has been deposited
8 by check on any date in the lookback pe-
9 riod, the financial institution, upon the re-
10 quest of the account holder, shall treat the
11 amount of the funds in the account at the
12 time of the request, up to the amount of
13 the applicable payment (in addition to any
14 amounts otherwise protected under part
15 212 of title 31, Code of Federal Regula-
16 tions), as exempt from a garnishment
17 order without requiring the consent of the
18 party serving the garnishment order or the
19 judgment creditor.

20 (iii) LIABILITY.—A financial institu-
21 tion that acts in good faith in reliance on
22 clauses (i) or (ii) shall not be subject to li-
23 ability or regulatory action under any Fed-
24 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

1 lien arising by operation of law for overdue
 2 child support or an order to freeze the as-
 3 sets in an account, to effect a garnishment
 4 against a debtor.

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

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

23 (f) APPROPRIATIONS TO CARRY OUT REBATES.—

24 (1) IN GENERAL.—Immediately upon the enact-
 25 ment of this Act, the following sums are appro-

1 appropriated, out of any money in the Treasury not other-
2 wise appropriated, for the fiscal year ending Sep-
3 tember 30, 2020:

4 (A) DEPARTMENT OF THE TREASURY.—

5 (i) For an additional amount for “De-
6 partment of the Treasury—Internal Rev-
7 enue Service—Taxpayer Services”,
8 \$29,027,000, to remain available until
9 September 30, 2021.

10 (ii) For an additional amount for
11 “Department of the Treasury—Internal
12 Revenue Service—Operations Support”,
13 \$236,548,000, to remain available until
14 September 30, 2021.

15 (iii) For an additional amount for
16 “Department of the Treasury—Internal
17 Revenue Service—Enforcement”,
18 \$54,425,000, to remain available until
19 September 30, 2021.

20 Amounts made available in appropriations
21 under this subparagraph may be transferred be-
22 tween such appropriations upon the advance no-
23 tification of the Committees on Appropriations
24 of the House of Representatives and the Sen-

1 ate. Such transfer authority is in addition to
2 any other transfer authority provided by law.

3 (B) SOCIAL SECURITY ADMINISTRATION.—

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

8 (2) REPORTS.—No later than 15 days after en-
9 actment of this Act, the Secretary of the Treasury
10 shall submit a plan to the Committees on Appropria-
11 tions of the House of Representatives and the Sen-
12 ate detailing the expected use of the funds provided
13 by paragraph (1)(A). Beginning 90 days after enact-
14 ment of this Act, the Secretary of the Treasury shall
15 submit a quarterly report to the Committees on Ap-
16 propriations of the House of Representatives and the
17 Senate detailing the actual expenditure of funds pro-
18 vided by paragraph (1)(A) and the expected expendi-
19 ture of such funds in the subsequent quarter.

20 (g) CONFORMING AMENDMENTS.—

21 (1) Paragraph (2) of section 1324(b) of title
22 31, United States Code, is amended by inserting
23 “6428A,” after “6428,”.

24 (2) The table of sections for subchapter B of
25 chapter 65 of the Internal Revenue Code of 1986 is

1 amended by inserting after the item relating to sec-
 2 tion 6428 the following:

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

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

5 (a) PROHIBITION ON PAYMENTS TO DECEASED INDIVIDUALS.—Subsection (d) of section 6428 of the Internal
 6 Revenue Code of 1986 is amended to read as follows:

8 “(d) ELIGIBLE INDIVIDUAL.—

9 “(1) IN GENERAL.—For purposes of this sec-
 10 tion, the term ‘eligible individual’ means any indi-
 11 vidual who is not described in paragraph (2) and
 12 who was not deceased prior to January 1, 2020.

13 “(2) EXCEPTIONS.—An individual is described
 14 in this paragraph if such individual is—

15 “(A) a nonresident alien individual,

16 “(B) an individual with respect to whom a
 17 deduction under section 151 is allowable to an-
 18 other taxpayer for a taxable year beginning in
 19 the calendar year in which the individual’s tax-
 20 able year begins, or

21 “(C) an estate or trust.”.

22 (b) PROHIBITION ON PAYMENTS TO PRISONERS.—
 23 Section 6428 of the Internal Revenue Code of 1986 is
 24 amended—

1 (1) by redesignating subsection (h) as sub-
2 section (i), and

3 (2) by inserting after subsection (g) the fol-
4 lowing new subsection:

5 “(h) SPECIAL RULES WITH RESPECT TO PRIS-
6 ONERS.—

7 “(1) DISALLOWANCE OF CREDIT.—

8 “(A) IN GENERAL.—Subject to subpara-
9 graph (B), no credit shall be allowed under sub-
10 section (a) to an eligible individual who, for
11 each day during calendar year 2020, is de-
12 scribed in clause (i), (ii), (iii), (iv), or (v) of sec-
13 tion 202(x)(1)(A) of the Social Security Act (42
14 U.S.C. 402(x)(1)(A)).

15 “(B) JOINT RETURN.—In the case of eligi-
16 ble individuals filing a joint return where 1
17 spouse is described in subparagraph (A), sub-
18 section (a)(1) shall be applied by substituting
19 ‘\$1,200’ for ‘\$2,400’.

20 “(2) DENIAL OF ADVANCE REFUND OR CRED-
21 IT.—No refund or credit shall be made or allowed
22 under subsection (f) with respect to any individual
23 whom the Secretary has knowledge is, at the time of
24 any determination made pursuant to paragraph (3)
25 of such subsection, described in clause (i), (ii), (iii),

1 (iv), or (v) of section 202(x)(1)(A) of the Social Se-
 2 curity Act.”.

3 (c) PROTECTION OF RECOVERY REBATES.—Sub-
 4 section (d) of section 2201 of the CARES Act (Public Law
 5 116–136) is amended—

6 (1) by redesignating paragraphs (1), (2), and
 7 (3) as subparagraphs (A), (B), and (C), and by mov-
 8 ing such subparagraphs 2 ems to the right,

9 (2) by striking “REDUCTION OR OFFSET.—Any
 10 credit” and inserting “REDUCTION, OFFSET, GAR-
 11 NISHMENT, ETC.—

12 “(1) IN GENERAL.—Any credit”, and

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

15 “(2) ASSIGNMENT OF BENEFITS.—

16 “(A) IN GENERAL.—The right of any per-
 17 son to any applicable payment shall not be
 18 transferable or assignable, at law or in equity,
 19 and no applicable payment shall be subject to,
 20 execution, levy, attachment, garnishment, or
 21 other legal process, or the operation of any
 22 bankruptcy or insolvency law.

23 “(B) ENCODING OF PAYMENTS.—As soon
 24 as practicable, but not earlier than 10 days
 25 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

1 31, Code of Federal Regulations, except a
2 financial institution shall not, with regard
3 to any applicable payment, be required to
4 provide the notice referenced in sections
5 212.6 and 212.7 of title 31, Code of Fed-
6 eral Regulations. This paragraph shall not
7 alter the status of applicable payments as
8 tax refunds or other nonbenefit payments
9 for purpose of any reclamation rights of
10 the Department of the Treasury or the In-
11 ternal Revenue Service as per part 210 of
12 title 31 of the Code of Federal Regula-
13 tions.

14 “(ii) OTHER PAYMENTS.—If a finan-
15 cial institution receives a garnishment
16 order, other than an order that has been
17 served by the United States or an order
18 that has been served by a Federal, State,
19 or local child support enforcement agency,
20 that has been received by a financial insti-
21 tution after the date that is 10 days after
22 the date of the enactment of this para-
23 graph and that applies to an account into
24 which an applicable payment that has not
25 been encoded as provided in subparagraph

(B) has been deposited electronically or by an applicable payment that has been deposited 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 protected 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 garnishment order or the judgment creditor.

“(iii) LIABILITY.—A financial institution that acts in good faith in reliance on clauses (i) or (ii) shall not be subject to liability or regulatory action under any Federal 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

1 whose name appears in a financial institu-
 2 tion's records as the direct or beneficial
 3 owner of an account.

4 “(ii) ACCOUNT REVIEW.—The term
 5 ‘account review’ means the process of ex-
 6 amining deposits in an account to deter-
 7 mine if an applicable payment has been de-
 8 posited into the account during the
 9 lookback period. The financial institution
 10 shall perform the account review following
 11 the procedures outlined in section 212.5 of
 12 title 31, Code of Federal Regulations and
 13 in accordance with the requirements of sec-
 14 tion 212.6 of title 31, Code of Federal
 15 Regulations.

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

18 “(I) any advance refund amount
 19 paid pursuant to subsection (f) of sec-
 20 tion 6428 of the Internal Revenue
 21 Code of 1986,

22 “(II) any payment made by a
 23 possession of the United States with a
 24 mirror code tax system (as defined in
 25 subsection (c)) pursuant to such sub-

1 section which corresponds to a pay-
2 ment described in subclause (I), and

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

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

10 “(v) GARNISHMENT ORDER.—The
11 term ‘garnishment order’ means a writ,
12 order, notice, summons, judgment, levy, or
13 similar written instruction issued by a
14 court, a State or State agency, a munici-
15 pality or municipal corporation, or a State
16 child support enforcement agency, includ-
17 ing a lien arising by operation of law for
18 overdue child support or an order to freeze
19 the assets in an account, to effect a gar-
20 nishment against a debtor.

21 “(vi) LOOKBACK PERIOD.—The term
22 ‘lookback period’ means the two month pe-
23 riod that begins on the date preceding the
24 date of account review and ends on the
25 corresponding date of the month two

1 months earlier, or on the last date of the
 2 month two months earlier if the cor-
 3 responding date does not exist.”.

4 (d) EFFECTIVE DATES.—

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

8 (2) PROTECTION.—The amendments made by
 9 subsection (c) shall take effect on the date of the en-
 10 actment of this Act.

11 **Subtitle B—Job Creation and** 12 **Employment**

13 **SEC. 211. ENHANCED EMPLOYEE HIRING AND RETENTION** 14 **PAYROLL TAX CREDIT.**

15 (a) INCREASE IN CREDIT PERCENTAGE.—Section
 16 2301(a) of the CARES Act is amended by striking “50
 17 percent” and inserting “65 percent”.

18 (b) INCREASE IN PER EMPLOYEE LIMITATION.—Sec-
 19 tion 2301(b)(1) of the CARES Act is amended by striking
 20 “for all calendar quarters shall not exceed \$10,000.” and
 21 inserting “shall not exceed—

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

23 “(B) \$30,000 in the aggregate for all cal-
 24 endar quarters.”.

1 (c) MODIFICATIONS TO DEFINITION OF ELIGIBLE
2 EMPLOYER.—

3 (1) DECREASE OF REDUCTION IN GROSS RE-
4 CEIPTS NECESSARY TO QUALIFY AS ELIGIBLE EM-
5 PLOYER.—Section 2301(c)(2)(B)(i) of the CARES
6 Act (Public Law 116–136) is amended by striking
7 “50 percent” and inserting “75 percent”.

8 (2) ELECTION TO DETERMINE GROSS RECEIPTS
9 TEST BASED ON PRIOR QUARTER.—Section
10 2301(c)(2) of the CARES Act is amended by redес-
11 ignating subparagraph (C) as subparagraph (D) and
12 by inserting after subparagraph (B) the following
13 new subparagraph:

14 “(C) ELECTION TO USE ALTERNATIVE
15 QUARTER.—At the election of an employer who
16 was not an eligible employer for the calendar
17 quarter ending on June 30, 2020, subpara-
18 graph (B)(i) shall be applied—

19 “(i) by substituting ‘for the prior cal-
20 endar quarter’ for ‘for the calendar quar-
21 ter’, and

22 “(ii) by substituting ‘the cor-
23 responding calendar quarter in the prior
24 year’ for ‘the same calendar quarter in the
25 prior year’.

1 An election under this subparagraph shall be
 2 made at such time and in such manner as the
 3 Secretary shall prescribe.”.

4 (d) GROSS RECEIPTS OF TAX-EXEMPT ORGANIZA-
 5 TIONS.—Section 2301(c)(2)(D) of the CARES Act (as re-
 6 designated by subsection (c)(2)) is amended—

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

9 “(i) clauses (i) and (ii)(I),

10 (2) by striking the period at the end and insert-
 11 ing “, and”, and

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

14 “(ii) any reference in this section to
 15 gross receipts shall be treated as a ref-
 16 erence to gross receipts within the meaning
 17 of section 6033 of such Code.”.

18 (e) MODIFICATION OF DETERMINATION OF QUALI-
 19 FIED WAGES.—

20 (1) MODIFICATION OF THRESHOLD FOR TREAT-
 21 MENT AS A LARGE EMPLOYER.—Section
 22 2301(c)(3)(A) of the CARES Act is amended by
 23 striking “100” each place it appears in clauses (i)
 24 and (ii) and inserting “500”.

1 (2) ELIMINATION OF LIMITATION.—Section
2 2301(c)(3) of the CARES Act is amended—

3 (A) by striking subparagraph (B), and

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

7 “(B) EXCEPTION.—The term ‘qualified
8 wages’ ”.

9 (3) MODIFICATION OF TREATMENT OF HEALTH
10 PLAN EXPENSES.—Section 2301(c) of the CARES
11 Act is amended—

12 (A) by striking subparagraph (C) of para-
13 graph (3), and

14 (B) by striking paragraph (5) and insert-
15 ing the following:

16 “(5) WAGES.—

17 “(A) IN GENERAL.—The term ‘wages’
18 means wages (as defined in section 3121(a) of
19 the Internal Revenue Code of 1986) and com-
20 pensation (as defined in section 3231(e) of such
21 Code).

22 “(B) ALLOWANCE FOR CERTAIN HEALTH
23 PLAN EXPENSES.—

24 “(i) IN GENERAL.—Such term shall
25 include amounts paid or incurred by the el-

1 eligible employer to provide and maintain a
 2 group health plan (as defined in section
 3 5000(b)(1) of the Internal Revenue Code
 4 of 1986), but only to the extent that such
 5 amounts are excluded from the gross in-
 6 come of employees by reason of section
 7 106(a) of such Code.

8 “(ii) ALLOCATION RULES.—For pur-
 9 poses of this section, amounts treated as
 10 wages under clause (i) shall be treated as
 11 paid with respect to any employee (and
 12 with respect to any period) to the extent
 13 that such amounts are properly allocable to
 14 such employee (and to such period) in such
 15 manner as the Secretary may prescribe.
 16 Except as otherwise provided by the Sec-
 17 retary, such allocation shall be treated as
 18 properly made if made on the basis of
 19 being pro rata among periods of cov-
 20 erage.”.

21 (f) IMPROVED COORDINATION WITH PAYCHECK PRO-
 22 TECTION PROGRAM.—

23 (1) AMENDMENT TO PAYCHECK PROTECTION
 24 PROGRAM.—Section 1106(a)(8) of the CARES Act
 25 is amended by striking “of this Act.” and inserting

1 “of this Act, except that such costs shall not include
 2 qualified wages (as defined in section 2301(c) of this
 3 Act) which—

4 “(A) are paid or incurred in calendar quar-
 5 ters beginning after June 30, 2020, and

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

9 (2) AMENDMENTS TO EMPLOYEE RETENTION
 10 TAX CREDIT.—

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

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

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

21 “(2) COORDINATION WITH PAYCHECK PROTEC-
 22 TION PROGRAM.—The Secretary, in consultation
 23 with the Administrator of the Small Business Ad-
 24 ministration, shall issue guidance providing that
 25 payroll costs paid or incurred during the covered pe-

1 riod shall not fail to be treated as qualified wages
 2 under this section by reason of an election under
 3 paragraph (1) to the extent that a covered loan of
 4 the eligible employer is not forgiven under section
 5 1106(b) by reason of such payroll costs. Terms used
 6 in the preceding sentence which are also used in sec-
 7 tion 1106 shall have the same meaning as when
 8 used in such section.”.

9 (B) CONFORMING AMENDMENTS.—Section
 10 2301(j) of the CARES Act is amended by in-
 11 serting “for any calendar quarter beginning
 12 after June 30, 2020” before the period at the
 13 end.

14 (g) DENIAL OF DOUBLE BENEFIT.—Section 2301(h)
 15 of the CARES Act is amended—

16 (1) by striking paragraphs (1) and (2) and in-
 17 serting the following:

18 “(1) DENIAL OF DOUBLE BENEFIT.—Any
 19 wages taken into account in determining the credit
 20 allowed under this section shall not be taken into ac-
 21 count as wages for purposes of sections 45A, 45B,
 22 45P, 45S, 51, and 1396 of the Internal Revenue
 23 Code of 1986.”, and

24 (2) by redesignating paragraph (3) as para-
 25 graph (2).

1 (h) REGULATORY AUTHORITY.—Section 2301(l) of
 2 the CARES Act is amended by striking “and” at the end
 3 of paragraph (4), by striking the period at the end of para-
 4 graph (5) and inserting “, and”, and by adding at the
 5 end the following new paragraph:

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

9 (i) EFFECTIVE DATE.—

10 (1) IN GENERAL.—Except as provided in para-
 11 graph (2), the amendments made by this section
 12 shall apply to the calendar quarters beginning after
 13 June 30, 2020.

14 (2) RETROACTIVE APPLICATION OF CERTAIN
 15 AMENDMENTS.—

16 (A) IN GENERAL.—The amendments made
 17 subsections (d), (e)(3), and (h) shall take effect
 18 as if included in section 2301 of the CARES
 19 Act.

20 (B) SPECIAL RULE.—

21 (i) IN GENERAL.—For purposes of
 22 section 2301 of the CARES Act, an em-
 23 ployer who has filed a return of tax with
 24 respect to applicable employment taxes (as
 25 defined in section 2301(c)(1) of such Act)

1 before the date of the enactment of this
 2 Act may elect (in such manner as the Sec-
 3 retary of the Treasury (or the Secretary’s
 4 delegate) shall prescribe) to treat any ap-
 5 plicable amount as an amount paid in the
 6 calendar quarter which includes the date of
 7 the enactment of this Act.

8 (ii) APPLICABLE AMOUNT.—For pur-
 9 poses of clause (i), the term “applicable
 10 amount” means the amount of wages de-
 11 scribed in section 2301(c)(5)(B) of the
 12 CARES Act, as added by the amendments
 13 made by subsection (e)(3)), which—

14 (I) were paid or incurred in a
 15 calendar quarter beginning after De-
 16 cember 31, 2019, and before July 1,
 17 2020, and

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

22 **SEC. 212. EXPANSION OF WORK OPPORTUNITY CREDIT.**

23 (a) IN GENERAL.—Section 51(d)(1) of the Internal
 24 Revenue Code of 1986 is amended by striking “or” at the
 25 end of subparagraph (I), by striking the period at the end

1 of subparagraph (J) and inserting “, or”, and by adding
 2 at the end the following new subparagraph:

3 “(K) a qualified 2020 COVID–19 unem-
 4 ployment recipient.”.

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

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

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

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

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

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

23 (c) INCREASED CREDIT PERCENTAGE.—

24 (1) IN GENERAL.—Section 51(a) of the Internal
 25 Revenue Code of 1986 is amended by inserting “(50

1 percent in the case of a qualified 2020 COVID–19
 2 unemployment recipient)” after “40 percent”.

3 (2) REDUCTION FOR CERTAIN INDIVIDUALS.—

4 Section 51(i)(3)(A) of such Code is amended—

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

7 “(i) by”,

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

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

12 “(ii) by substituting ‘25 percent’ for
 13 ‘50 percent’.”.

14 (d) INCREASED LIMITATION ON WAGES TAKEN INTO
 15 ACCOUNT.—Section 51(b)(3) of the Internal Revenue
 16 Code of 1986 is amended by inserting “\$10,000 per year
 17 in the case of a qualified 2020 COVID–19 unemployment
 18 recipient,” after “\$6,000 per year (”.

19 (e) REHIRES ELIGIBLE FOR CREDIT.—Section
 20 51(i)(2) of the Internal Revenue Code of 1986 is amend-
 21 ed—

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

24 “(A) IN GENERAL.—No wages”, and

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

3 “(B) EXCEPTION.—

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

7 “(ii) REGULATIONS AND GUIDANCE.—

8 The Secretary shall prescribe such regula-
9 tions and other guidance as may be nec-
10 essary to prevent the abuse of the purposes
11 of this subparagraph, including through
12 the termination of employment of an indi-
13 vidual by an employer for the purposes of
14 claiming the credit allowed under this sub-
15 section by reason of the application of
16 clause (i).”.

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

20 **SEC. 213. SAFE AND HEALTHY WORKPLACE TAX CREDIT.**

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

25 (1) the qualified employee protection expenses,

1 (2) the qualified workplace reconfiguration ex-
2 penses, and

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

6 (b) LIMITATIONS AND REFUNDABILITY.—

7 (1) OVERALL DOLLAR LIMITATION ON CRED-
8 IT.—

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

13 (i) the applicable dollar limit with re-
14 spect to such employer for such calendar
15 quarter, over

16 (ii) the aggregate credits allowed
17 under subsection (a) with respect to such
18 employer for all preceding calendar quar-
19 ters.

20 (B) APPLICABLE DOLLAR LIMIT.—The
21 term “applicable dollar limit” means, with re-
22 spect to any employer for any calendar quarter,
23 the sum of—

24 (i) \$1,000, multiplied by the average
25 number of employees employed by such

1 employer during such calendar quarter not
 2 in excess of 500, plus

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

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

8 (2) CREDIT LIMITED TO EMPLOYMENT
 9 TAXES.—The credit allowed by subsection (a) with
 10 respect to any calendar quarter shall not exceed the
 11 applicable employment taxes (reduced by any credits
 12 allowed under subsections (e) and (f) of section
 13 3111 of the Internal Revenue Code of 1986, sections
 14 7001 and 7003 of the Families First Coronavirus
 15 Response Act, and section 2301 of the CARES Act)
 16 on the wages paid with respect to the employment
 17 of all the employees of the employer for such cal-
 18 endar quarter.

19 (3) REFUNDABILITY OF EXCESS CREDIT.—

20 (A) IN GENERAL.—If the amount of the
 21 credit under subsection (a) exceeds the limita-
 22 tion of paragraph (2) for any calendar quarter,
 23 such excess shall be treated as an overpayment
 24 that shall be refunded under sections 6402(a)

1 and 6413(b) of the Internal Revenue Code of
2 1986.

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

9 (c) QUALIFIED EMPLOYEE PROTECTION EX-
10 PENSES.—For purposes of this section, the term “quali-
11 fied employee protection expenses” means amounts paid
12 or incurred by the employer for—

13 (1) testing (including on a periodic basis) em-
14 ployees and customers of the employer for
15 coronavirus disease 2019, hereafter referred to in
16 this section as “COVID–19” (including antibodies
17 related to COVID–19),

18 (2) equipment to protect employees and cus-
19 tomers of the employer from contracting COVID–19,
20 including masks, gloves, and disinfectants, and

21 (3) cleaning products or services related to pre-
22 venting the spread of COVID–19.

23 (d) QUALIFIED WORKPLACE RECONFIGURATION EX-
24 PENSES.—For purposes of this section—

1 (1) IN GENERAL.—The term “qualified work-
2 place reconfiguration expenses” means amounts paid
3 or incurred by the employer to design and recon-
4 figure retail space, work areas, break areas, or other
5 areas that employees or customers regularly use in
6 the ordinary course of the employer’s trade or busi-
7 ness if such design and reconfiguration—

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

10 (B) is with respect to tangible property
11 (within the meaning of section 168 of the Inter-
12 nal Revenue Code of 1986) which is located in
13 the United States and which is leased or owned
14 by the employer,

15 (C) is commensurate with the risks faced
16 by the employees or customers, or is consistent
17 with recommendations made by the Centers for
18 Disease Control and Prevention or the Occupa-
19 tional Safety and Health Administration,

20 (D) is completed pursuant to a reconfig-
21 uration (or similar) plan that was not in place
22 before March 13, 2020, and

23 (E) is completed before January 1, 2021.

24 (2) REGULATIONS.—The Secretary shall pre-
25 scribe such regulations and other guidance as may

1 be necessary or appropriate to carry out the pur-
 2 poses of this subsection, including guidance defining
 3 primary purpose and reconfiguration plan.

4 (e) QUALIFIED WORKPLACE TECHNOLOGY EX-
 5 PENSES.—For purposes of this section—

6 (1) IN GENERAL.—The term “qualified work-
 7 place technology expenses” means amounts paid or
 8 incurred by the employer for technology systems
 9 that employees or customers use in the ordinary
 10 course of the employer’s trade or business if such
 11 technology system—

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

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

17 (C) is commensurate with the risks faced
 18 by the employees or customers, or is consistent
 19 with recommendations made by the Centers for
 20 Disease Control and Prevention or the Occupa-
 21 tional Safety and Health Administration,

22 (D) is acquired by the employer on or after
 23 March 13, 2020, and is not acquired pursuant
 24 to a plan that was in place before such date,
 25 and

1 (E) is placed in service by the employer be-
 2 fore January 1, 2021.

3 (2) TECHNOLOGY SYSTEMS.—The term “tech-
 4 nology systems” means computer software (as de-
 5 fined in section 167(f)(1) of the Internal Revenue
 6 Code of 1986) and qualified technological equipment
 7 (as defined in section 168(i)(2) of such Code).

8 (3) REGULATIONS.—The Secretary shall pre-
 9 scribe such regulations and other guidance as may
 10 be necessary or appropriate to carry out the pur-
 11 poses of this subsection, including guidance defining
 12 the terms “primary purpose” and “plan”.

13 (f) OTHER DEFINITIONS.—For purposes of this sec-
 14 tion—

15 (1) APPLICABLE EMPLOYMENT TAXES.—The
 16 term “applicable employment taxes” means the fol-
 17 lowing:

18 (A) The taxes imposed under section
 19 3111(a) of the Internal Revenue Code of 1986.

20 (B) So much of the taxes imposed under
 21 section 3221(a) of such Code as are attrib-
 22 utable to the rate in effect under section
 23 3111(a) of such Code.

24 (2) COVID-19.—Except where the context
 25 clearly indicates otherwise, any reference in this sec-

1 tion to COVID–19 shall be treated as including a
2 reference to the virus which causes COVID–19.

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

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

10 (g) CERTAIN GOVERNMENTAL EMPLOYERS.—This
11 section shall not apply to the Government of the United
12 States, the government of any State or political subdivi-
13 sion thereof, or any agency or instrumentality of any of
14 the foregoing.

15 (h) RULES RELATING TO EMPLOYER, ETC.—

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

22 (2) THIRD-PARTY PAYORS.—Any credit allowed
23 under subsection (a) shall be treated as a credit de-
24 scribed in section 3511(d)(2) of such Code.

1 (i) TREATMENT OF DEPOSITS.—The Secretary shall
 2 waive any penalty under section 6656 of the Internal Rev-
 3 enue Code of 1986 for any failure to make a deposit of
 4 any applicable employment taxes if the Secretary deter-
 5 mines that such failure was due to the reasonable anticipa-
 6 tion of the credit allowed under subsection (a).

7 (j) CREDIT FOR SELF-EMPLOYED INDIVIDUALS.—

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

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

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

19 (C) the qualified workplace technology ex-
 20 penses (as so determined),

21 paid or incurred by the individual during such tax-
 22 able year.

23 (2) LIMITATION.—The amount of the credit al-
 24 lowed under paragraph (1) with respect to any self-

1 employed individual for any taxable year shall not
2 exceed \$500.

3 (3) REFUNDABILITY.—

4 (A) IN GENERAL.—The credit determined
5 under paragraph (1) shall be treated as a credit
6 allowed to the taxpayer under subpart C of part
7 IV of subchapter A of chapter 1 of such Code.

8 (B) TREATMENT OF PAYMENTS.—For pur-
9 poses of section 1324 of title 31, United States
10 Code, any refund due from the credit deter-
11 mined under paragraph (1) shall be treated in
12 the same manner as a refund due from a credit
13 provision referred to in subsection (b)(2) of
14 such section.

15 (4) SELF-EMPLOYED INDIVIDUAL.—

16 (A) IN GENERAL.—For purposes of this
17 section, the term “self-employed individual”
18 means an individual who regularly carries on
19 any trade or business within the meaning of
20 section 1402 of the Internal Revenue Code of
21 1986, other than any such trade or business
22 which is carried on by a partnership.

23 (B) DOCUMENTATION.—No credit shall be
24 allowed under paragraph (1) to any individual
25 unless the individual maintains such docu-

1 mentation as the Secretary may prescribe to es-
2 tablish such individual as an eligible self-em-
3 ployed individual.

4 (k) SPECIAL RULES.—

5 (1) DENIAL OF DOUBLE BENEFIT.—For pur-
6 poses of this section—

7 (A) IN GENERAL.—Any deduction or other
8 credit otherwise allowable under any provision
9 of the Internal Revenue Code of 1986 with re-
10 spect to any expense for which a credit is al-
11 lowed under this section shall be reduced by the
12 amount of the credit under this section with re-
13 spect to such expense.

14 (B) BASIS ADJUSTMENT.—If a credit is al-
15 lowed under this section with respect to any
16 property of a character which is subject to the
17 allowance for depreciation under section 167 of
18 such Code, the basis of such property shall be
19 reduced by the amount of the credit so allowed,
20 and such reduction shall be taken into account
21 before determining the amount of any allowance
22 for depreciation with respect to such property
23 for purposes of such Code.

24 (C) EXPENSES NOT TAKEN INTO ACCOUNT
25 MORE THAN ONCE.—The same expense shall

1 not be treated as described in more than one
 2 paragraph of subsection (a) or more than one
 3 subparagraph of subsection (j)(1), whichever is
 4 applicable.

5 (D) EMPLOYER OR SELF-EMPLOYMENT
 6 CREDIT ALLOWED.—The credit under sub-
 7 section (a) and the credit for self-employed indi-
 8 viduals under subsection (j) shall not apply to
 9 the same taxpayer.

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

17 (I) TRANSFERS TO CERTAIN TRUST FUNDS.—There
 18 are hereby appropriated to the Federal Old-Age and Sur-
 19 vivors Insurance Trust Fund and the Federal Disability
 20 Insurance Trust Fund established under section 201 of
 21 the Social Security Act (42 U.S.C. 401) and the Social
 22 Security Equivalent Benefit Account established under
 23 section 15A(a) of the Railroad Retirement Act of 1974
 24 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in
 25 revenues to the Treasury by reason of this section (without

1 regard to this subsection). Amounts appropriated by the
2 preceding sentence shall be transferred from the general
3 fund at such times and in such manner as to replicate
4 to the extent possible the transfers which would have oc-
5 curred to such Trust Fund or Account had this section
6 not been enacted.

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

11 (1) with respect to the application of the credit
12 under subsection (a) to third-party payors (including
13 professional employer organizations, certified profes-
14 sional employer organizations, or agents under sec-
15 tion 3504 of the Internal Revenue Code of 1986),
16 regulations or other guidance allowing such payors
17 to submit documentation necessary to substantiate
18 the amount of the credit allowed under subsection
19 (a),

20 (2) regulations or other guidance for recap-
21 turing the benefit of credits determined under sub-
22 section (a) in cases where there is a subsequent ad-
23 justment to the credit determined under such sub-
24 section, and

1 (3) regulations or other guidance to prevent
2 abuse of the purposes of this section.

3 (n) APPLICATION.—

4 (1) IN GENERAL.—This section shall only apply
5 to amounts paid or incurred after March 12, 2020,
6 and before January 1, 2021.

7 (2) SPECIAL RULE FOR CERTAIN AMOUNTS
8 PAID OR INCURRED IN CALENDAR QUARTERS END-
9 ING BEFORE THE DATE OF THE ENACTMENT OF
10 THIS ACT.—For purposes of this section, in the case
11 of any amount paid or incurred after March 12,
12 2020, and on or before the last day of the last cal-
13 endar quarter ending before the date of the enact-
14 ment of this Act, such amount shall be treated as
15 paid or incurred on such date of enactment.

16 **SEC. 214. COVID-19 ASSISTANCE PROVIDED TO INDE-**
17 **PENDENT CONTRACTORS.**

18 (a) INDEPENDENT CONTRACTOR STATUS.—With re-
19 spect to an individual providing services for compensation
20 for any service recipient or through any marketplace plat-
21 form, if the service recipient or marketplace platform oper-
22 ator provides any of the benefits described in subsection
23 (c) to such individual, the provision of such benefits shall
24 not be taken into account in determining the status of

1 such individual as an employee for purposes of the Inter-
2 nal Revenue Code of 1986.

3 (b) TREATMENT AS QUALIFIED DISASTER RELIEF
4 PAYMENTS.—Any benefit described in subsection (c)
5 (other than paragraph (1) thereof) which is provided as
6 described in subsection (a) by a service recipient or mar-
7 ketplace platform operator shall be treated for purposes
8 of section 139 of the Internal Revenue Code of 1986 as
9 a qualified disaster relief payment to the individual so de-
10 scribed.

11 (c) BENEFITS DESCRIBED.—The benefits described
12 in this subsection are—

13 (1) financial assistance provided to an indi-
14 vidual while the individual is not performing services
15 for the service recipient or through the marketplace
16 platform, or is performing reduced services or re-
17 duced hours of service, because of COVID–19;

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

22 (3) equipment to protect the individual, service
23 recipients, or customers from contracting COVID–
24 19, including masks, gloves, and disinfectants;

1 (4) cleaning products or services related to pre-
2 venting the spread of COVID–19; and

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

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

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

11 (2) MARKETPLACE PLATFORM.—The term
12 “marketplace platform” means any digital website,
13 mobile application, or similar system that facilitates
14 the provision of goods or services by providers to re-
15 cipients.

16 (e) COVID–19.—For purposes of this section, the
17 term “COVID–19” means coronavirus disease 2019. Ex-
18 cept where the context clearly indicates otherwise, any ref-
19 erence in this section to such disease shall be treated as
20 including a reference to the virus which causes such dis-
21 ease.

22 (f) APPLICATION.—This section shall only apply to
23 benefits provided after March 12, 2020, and before Janu-
24 ary 1, 2021.

1 **Subtitle C—CARES Act**
2 **Clarifications and Corrections**

3 **SEC. 221. APPLICATION OF SPECIAL RULES TO MONEY PUR-**
4 **CHASE PENSION PLANS.**

5 (a) IN GENERAL.—Section 2202(a)(6)(B) of the
6 CARES Act (Public Law 116–136) is amended by insert-
7 ing “, and, in the case of a money purchase pension plan,
8 a coronavirus-related distribution which is an in-service
9 withdrawal shall be treated as meeting the distribution
10 rules of section 401(a) of the Internal Revenue Code of
11 1986” before the period.

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

15 **SEC. 222. CLARIFICATION OF DELAY IN PAYMENT OF MIN-**
16 **IMUM REQUIRED CONTRIBUTIONS.**

17 Section 3608(a)(1) of the CARES Act (Public Law
18 116–136) is amended by striking “January 1, 2021” and
19 inserting “January 4, 2021”.

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

23 (a) IN GENERAL.—Section 2202(b) of the CARES
24 Act (Public Law 116–136) is amended by adding at the
25 end the following new paragraph:

1 “(4) EMPLOYEE CERTIFICATION.—The admin-
 2 istrator of a qualified employer plan may rely on an
 3 employee’s certification that the requirements of
 4 subsection (a)(4)(A)(ii) are satisfied in determining
 5 whether the employee is a qualified individual for
 6 purposes of this subsection.”.

7 (b) EFFECTIVE DATE.—The amendment made by
 8 this section shall take effect as if included in the enact-
 9 ment of section 2202(b) of the CARES Act (Public Law
 10 116–136).

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

13 (a) IN GENERAL.—Section 2303 of the CARES Act
 14 is amended by adding at the end the following new sub-
 15 section:

16 “(e) SPECIAL RULES WITH RESPECT TO FARMING
 17 LOSSES.—

18 “(1) ELECTION TO DISREGARD APPLICATION OF
 19 AMENDMENTS MADE BY SUBSECTIONS (a) AND
 20 (b).—

21 “(A) IN GENERAL.—If a taxpayer who has
 22 a farming loss (within the meaning of section
 23 172(b)(1)(B)(ii) of the Internal Revenue Code
 24 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.

1 “(II) PREVIOUSLY FILED RE-
2 TURNS.—In the case of any taxable
3 year for which the taxpayer has filed
4 a return of Federal income tax before
5 the date of the enactment of the
6 American Workers, Families, and
7 Employers Assistance Act which dis-
8 regards the amendments made by
9 subsections (a) and (b), such taxpayer
10 shall be treated as having made an
11 election under this paragraph unless
12 the taxpayer modifies such return to
13 reflect such amendments by the due
14 date (including extensions of time) for
15 filing the taxpayer’s return for the
16 first taxable year ending after the
17 date of the enactment of the Amer-
18 ican Workers, Families, and Employ-
19 ers Assistance Act.

20 “(C) REGULATIONS.—The Secretary of the
21 Treasury (or the Secretary’s delegate) shall
22 issue such regulations and other guidance as
23 may be necessary to carry out the purposes of
24 this paragraph, including regulations and guid-
25 ance relating to the application of the rules of

1 section 172(a) of the Internal Revenue Code of
 2 1986 (as in effect before the date of the enact-
 3 ment of the CARES Act) to taxpayers making
 4 an election under this paragraph.

5 “(2) REVOCATION OF ELECTION TO WAIVE
 6 CARRYBACK.—The last sentence of section 172(b)(3)
 7 of the Internal Revenue Code of 1986 and the last
 8 sentence of section 172(b)(1)(B) of such Code shall
 9 not apply to any election—

10 “(A) which was made before the date of
 11 the enactment of the American Workers, Fami-
 12 lies, and Employers Assistance Act, and

13 “(B) which relates to the carryback period
 14 provided under section 172(b)(1)(B) of such
 15 Code with respect to any net operating loss
 16 arising in taxable years beginning in 2018 or
 17 2019.”.

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

21 **SEC. 225. OVERSIGHT AND AUDIT REPORTING.**

22 Section 19010(a)(1) of the CARES Act is amended
 23 by striking “and” at the end of subparagraph (F), by
 24 striking “and” at the end of subparagraph (G), and by
 25 adding at the end the following new subparagraphs:

1 “(H) the Committee on Finance of the
2 Senate; and

3 “(I) the Committee on Ways and Means of
4 the House of Representatives; and”.

5 **TITLE III—SUPPORTING PA-**
6 **TIENTS, PROVIDERS, OLDER**
7 **AMERICANS, AND FOSTER**
8 **YOUTH IN RESPONDING TO**
9 **COVID-19**

10 **Subtitle A—Promoting Access to**
11 **Care and Services**

12 **SEC. 301. MAINTAINING 2021 MEDICARE PART B PREMIUM**
13 **AND DEDUCTIBLE AT 2020 LEVELS CON-**
14 **SISTENT WITH ACTUARIALLY FAIR RATES.**

15 (a) 2021 PREMIUM AND DEDUCTIBLE AND REPAY-
16 MENT THROUGH FUTURE PREMIUMS.—Section 1839(a)
17 of the Social Security Act (42 U.S.C. 1395r(a)) is amend-
18 ed—

19 (1) in the second sentence of paragraph (1), by
20 striking “(5) and (6)” and inserting “(5), (6), and
21 (7)”;

22 (2) in paragraph (6)(C)—

23 (A) in clause (i), by striking “section
24 1844(d)(1)” and inserting “subsections (d)(1)
25 and (e)(1) of section 1844”; and

1 (B) in clause (ii), by striking “paragraph
 2 (5)” and inserting “paragraphs (5) and (7)”;
 3 and

4 (3) by adding at the end the following:

5 “(7) In applying this part (including subsection (i)
 6 and section 1833(b)), the monthly actuarial rate for en-
 7 rollees age 65 and over for 2021 shall be the same as the
 8 monthly actuarial rate for enrollees age 65 and over for
 9 2020.”.

10 (b) TRANSITIONAL GOVERNMENT CONTRIBUTION.—
 11 Section 1844 of the Social Security Act (42 U.S.C.
 12 1395w) is amended—

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

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

22 “(e)(1) For 2021, there shall be transferred from the
 23 General Fund to the Trust Fund an amount, as estimated
 24 by the Chief Actuary of the Centers for Medicare & Med-
 25 icaid 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 ap-
 plication 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 CON-
 TRIBUTION.—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 Medi-
 care & Medicaid Services, equal to amounts paid under

1 the advance payment program under section 421.214 of
 2 title 42, Code of Federal Regulations (or any successor
 3 regulation) during the period beginning on March 28,
 4 2020, and ending on July 9, 2020.

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

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

11 “(B) the amount of such advance payments
 12 that has been repaid (in whole or in part), under the
 13 advance payment program under such section
 14 421.214 (or any such successor regulation).

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

17 (d) INDENTATION CORRECTION.—Section
 18 1839(i)(3)(A)(ii) of the Social Security Act (42 U.S.C.
 19 1395r(i)(3)(A)(ii)) is amended by moving the indentation
 20 of subclause (I) two ems to the right.

21 **SEC. 302. IMPROVEMENTS TO THE MEDICARE HOSPITAL**
 22 **ACCELERATED AND ADVANCE PAYMENTS**
 23 **PROGRAMS DURING THE COVID-19 PUBLIC**
 24 **HEALTH EMERGENCY.**

25 (a) PART A.—

1 (1) REPAYMENT PERIODS.—Section
 2 1815(f)(2)(C) of the Social Security Act (42 U.S.C.
 3 1395g(f)(2)(C)) is amended—

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

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

8 (2) AUTHORITY FOR DISCRETION.—Section
 9 1815(f)(2)(A)(ii) of the Social Security Act (42
 10 U.S.C. 1395g(f)(2)(A)(ii)) is amended by inserting
 11 “(or, with respect to requests submitted to the Sec-
 12 retary on or after July 9, 2020, may)” after “shall.”.

13 (b) PART B.—In carrying out the advance payments
 14 program described in section 421.214 of title 42, Code of
 15 Federal Regulations (or a successor regulation), the Sec-
 16 retary of Health and Human Services, in the case of a
 17 payment made under such program during the emergency
 18 period described in section 1135(g)(1)(B) of the Social Se-
 19 curity Act (42 U.S.C. 1320b–5(g)(1)(B)), upon request of
 20 the supplier receiving such payment, shall—

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

23 (2) allow not less than 14 months from the date
 24 of the first advance payment before requiring that
 25 the outstanding balance be paid in full.

1 (c) EFFECTIVE DATE.—The amendments made by
 2 this section shall take effect as if included in the enact-
 3 ment of the Coronavirus Aid, Relief, and Economic Secu-
 4 rity Act (Public Law 116–136).

5 (d) IMPLEMENTATION.—Notwithstanding any other
 6 provision of law, the Secretary of Health and Human
 7 Services may implement the provisions of, and the amend-
 8 ments made by, this section by program instruction or oth-
 9 erwise.

10 **SEC. 303. AUTHORITY TO EXTEND MEDICARE TELEHEALTH**
 11 **WAIVERS.**

12 (a) AUTHORITY.—Section 1834(m) of the Social Se-
 13 curity Act (42 U.S.C. 1395m(m)) is amended by adding
 14 at the end the following new paragraph:

15 “(9) AUTHORITY TO EXTEND TELEHEALTH
 16 WAIVERS AND POLICIES.—

17 “(A) AUTHORITY.—Notwithstanding the
 18 preceding provisions of this subsection and sec-
 19 tion 1135, subject to subparagraph (B), if the
 20 emergency period under section 1135(g)(1)(B)
 21 expires prior to December 31, 2021, the author-
 22 ity provided the Secretary under section
 23 1135(b)(8) to waive or modify requirements
 24 with respect to a telehealth service, and modi-
 25 fications of policies with respect to telehealth

1 services made by interim final rule applicable to
 2 such period, shall be extended through Decem-
 3 ber 31, 2021.

4 “(B) NO REQUIREMENT TO EXTEND.—
 5 Nothing in subparagraph (A) shall require the
 6 Secretary to extend any specific waiver or modi-
 7 fication or modifications of policies that the
 8 Secretary does not find appropriate for exten-
 9 sion.

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

14 (b) MEDPAC EVALUATION AND REPORT.—

15 (1) STUDY.—

16 (A) IN GENERAL.—The Medicare Payment
 17 Advisory Commission (in this subsection re-
 18 ferred to as the “Commission”) shall conduct
 19 an evaluation of—

20 (i) the expansions of telehealth serv-
 21 ices under part B of title XVII of the So-
 22 cial Security Act related to the COVID-19
 23 public health emergency described in sec-
 24 tion 1135(g)(1)(B) of such Act (42 U.S.C.
 25 1320b–5(g)(1)(B)); and

1 (ii) the appropriate treatment of such
2 expansions after the expiration of such
3 public health emergency.

4 (B) ANALYSIS.—The evaluation under sub-
5 paragraph (A) shall include an analysis of each
6 the following:

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

10 (ii) Whether any such continued ex-
11 pansions should be limited to, or differen-
12 tially applied to, clinicians participating in
13 certain value-based payment models.

14 (iii) How Medicare should pay for
15 telehealth services after the expiration of
16 such public health emergency, and the im-
17 plications of payment approaches on aggre-
18 gate Medicare program spending,

19 (iv) Medicare program integrity and
20 beneficiary safeguards that may be war-
21 ranted with the coverage of telehealth serv-
22 ices.

23 (v) The implications of expanded
24 Medicare coverage of telehealth services for

1 beneficiary access to care and the quality
2 of care provided via telehealth.

3 (vi) Other areas determined appro-
4 priate by the Commission.

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

11 (c) HHS PROVISION OF INFORMATION AND STUDY
12 AND REPORT.—

13 (1) PRE-COVID-19 PUBLIC HEALTH EMER-
14 GENCY TELEHEALTH AUTHORITY.—Not later than 3
15 months after the date of enactment of this Act, the
16 Secretary of Health and Human Services (in this
17 subsection referred to as the “Secretary”) shall
18 make available on the internet website of the Cen-
19 ters for Medicare & Medicaid Services information
20 describing the requirements applicable to telehealth
21 services and other virtual services under the original
22 Medicare fee-for-service program under parts A and
23 B of title XVIII of the Social Security Act (42
24 U.S.C. 1395 et seq.) and the Medicare Advantage
25 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

1 program under title XIX of such Act
2 (42 U.S.C. 1396 et seq.);

3 (III) residing in an area of low-
4 population density or a health profes-
5 sional shortage area (as defined in
6 section 332(a)(1)(A) of the Public
7 Health Service Act (42 U.S.C.
8 254e(a)(1)(A)));

9 (IV) diagnoses, such as a diag-
10 nosis of COVID–19, a chronic condi-
11 tion, or a mental health disorder or
12 substance use disorder;

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

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

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

24 (ii) to the extent feasible, assess such
25 impact based on—

1 (I) the type of technology used to
2 furnish the service;

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

5 (III) the extent to which docu-
6 mented or suspected fraud or abuse
7 occurred; and

8 (IV) patient satisfaction.

9 (B) USE OF INFORMATION.—The Sec-
10 retary may use reliable non-governmental
11 sources of information in assessing the impact
12 of characteristics described in subparagraph (A)
13 under the study.

14 (C) REPORT.—

15 (i) INTERIM PROVISION OF INFORMA-
16 TION.—The Secretary shall, as determined
17 appropriate, periodically during such emer-
18 gency period, post on the internet website
19 of the Centers for Medicare & Medicaid
20 services data on utilization of telehealth
21 and other virtual services under the Medi-
22 care program and the impact of character-
23 istics described in subparagraph (A) on
24 such utilization.

1 (ii) REPORT.—Not later than 15
 2 months after date of enactment of this
 3 Act, the Secretary shall submit to Con-
 4 gress a report on the study conducted
 5 under subparagraph (A), together with rec-
 6 ommendations for such legislation and ad-
 7 ministrative action as the Secretary deter-
 8 mines appropriate.

9 **SEC. 304. EXTENDING MEDICARE TELEHEALTH FLEXIBILI-**
 10 **TIES FOR FEDERALLY QUALIFIED HEALTH**
 11 **CENTERS AND RURAL HEALTH CLINICS.**

12 (a) IN GENERAL.—Section 1834(m) of the Social Se-
 13 curity Act (42 U.S.C. 1395m(m)) is amended—

14 (1) in paragraph (4)(C)—

15 (A) in clause (i), in the matter preceding
 16 subclause (I), by striking “and (7)” and insert-
 17 ing “(7), and (8)”; and

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

20 (2) in paragraph (8)—

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

24 (B) in subparagraph (A)—

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

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

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

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

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

15 (C) in subparagraph (B)(i)—

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

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

24 (D) by adding at the end the following new
25 subparagraph:

1 “(C) REQUIREMENT DURING ADDITIONAL
2 PERIOD.—

3 “(i) IN GENERAL.—During the 5-year
4 period beginning on the first day after the
5 end of the emergency period described in
6 section 1135(g)(1)(B), payment may only
7 be made under this paragraph for a tele-
8 health service described in subparagraph
9 (A)(i) that is furnished to an eligible tele-
10 health individual if such service is fur-
11 nished by a qualified provider (as defined
12 in clause (ii)).

13 “(ii) DEFINITION OF QUALIFIED PRO-
14 VIDER.—For purposes of this subpara-
15 graph, the term ‘qualified provider’ means,
16 with respect to a telehealth service de-
17 scribed in subparagraph (A)(i) that is fur-
18 nished to an eligible telehealth individual, a
19 Federally qualified health center or rural
20 health clinic that furnished to such indi-
21 vidual, during the 3-year period ending on
22 the date the telehealth service was fur-
23 nished, an item or service in person for
24 which—

1 “(I) payment was made under
2 this title; or

3 “(II) such payment would have
4 been made if such individual were en-
5 titled to, or enrolled for, benefits
6 under this title at the time such item
7 or service was furnished.”.

8 (b) **EFFECTIVE DATE.**—The amendments made by
9 this section (other than the amendment made by sub-
10 section (a)(2)(D)) shall take effect as if included in the
11 enactment of the Coronavirus Aid, Relief, and Economic
12 Security Act (Public Law 116–136).

13 **SEC. 305. TEMPORARY CARRYOVER FOR HEALTH AND DE-**
14 **PENDENT CARE FLEXIBLE SPENDING AR-**
15 **RANGEMENTS.**

16 (a) **INCREASE IN CARRYOVER FOR HEALTH FLEXI-**
17 **BLE SPENDING ARRANGEMENTS.**—A plan or other ar-
18 rangement that otherwise satisfies all of the applicable re-
19 quirements of sections 106 and 125 of the Internal Rev-
20 enue Code of 1986 (including any rules or regulations
21 thereunder) shall not fail to be treated as a cafeteria plan
22 or health flexible spending arrangement merely because
23 such plan or arrangement permits participants to carry
24 over an amount not in excess of \$2,750 of unused benefits
25 or contributions remaining in a health flexible spending

1 arrangement from the plan year ending in 2020 to the
2 plan year ending in 2021.

3 (b) CARRYOVER FOR DEPENDENT CARE FLEXIBLE
4 SPENDING ARRANGEMENTS.—A plan or other arrange-
5 ment that otherwise satisfies all applicable requirements
6 of sections 106, 125, and 129 of the Internal Revenue
7 Code of 1986 (including any rules or regulations there-
8 under) shall not fail to be treated as a cafeteria plan or
9 dependent care flexible spending arrangement merely be-
10 cause such plan or arrangement permits participants to
11 carry over (under rules similar to the rules applicable to
12 health flexible spending arrangements) an amount, not in
13 excess of the amount in effect under section 129(a)(2)(A)
14 of such Code, of unused benefits or contributions remain-
15 ing in a dependent care flexible spending arrangement
16 from the plan year ending in 2020 to the plan year ending
17 in 2021.

18 (c) RETROACTIVE APPLICATION.—An employer shall
19 be permitted to amend its cafeteria plan to effectuate the
20 carry over allowed under subsection (a) or (b), provided
21 that such amendment—

22 (1) is adopted not later than the last day of the
23 plan year ending in 2020; and

1 (2) provides that the carry over allowed under
 2 subsection (a) or (b) shall be in effect as of the first
 3 day of the plan year ending in 2020.

4 (d) DEFINITIONS.—Any term used in this section
 5 which is also used in section 106, 125, or 129 of the Inter-
 6 nal Revenue Code of 1986 or the rules or regulations
 7 thereunder shall have the same meaning as when used in
 8 such section or rules or regulations.

9 **SEC. 306. ON-SITE EMPLOYEE CLINICS.**

10 (a) IN GENERAL.—Paragraph (1) of section 223(c)
 11 of the Internal Revenue Code of 1986 is amended by add-
 12 ing at the end the following new subparagraph:

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

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

22 “(I) at a healthcare facility lo-
 23 cated at a facility owned or leased by
 24 the employer of the individual (or of
 25 the individual’s spouse), or

1 “(II) at a healthcare facility op-
2 erated primarily for the benefit of em-
3 ployees of the employer of the indi-
4 vidual (or of the individual’s spouse).

5 “(ii) QUALIFIED ITEMS AND SERVICES
6 DEFINED.—For purposes of this subpara-
7 graph, the term ‘qualified items and serv-
8 ices’ means the following:

9 “(I) Physical examination.

10 “(II) Immunizations, including
11 injections of antigens provided by em-
12 ployees.

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

16 “(IV) Treatment for injuries oc-
17 curring in the course of employment.

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

20 “(VI) Management of chronic
21 conditions or diseases.

22 “(VII) Drug testing.

23 “(VIII) Hearing or vision
24 screenings and related services.

1 “(IX) Testing, vaccines, or treat-
2 ments for the virus SARS-CoV-2 or
3 coronavirus disease 2019 (COVID-
4 19).

5 “(iii) AGGREGATION.—For purposes
6 of clause (i), all persons treated as a single
7 employer under subsection (b), (c), (m), or
8 (o) of section 414 shall be treated as a sin-
9 gle employer.

10 “(iv) PREVENTIVE CARE FOR CHRON-
11 IC CONDITIONS.—For purposes of this sub-
12 paragraph, the term ‘preventive care for
13 chronic conditions’ means any item or
14 service specified in the Appendix of Inter-
15 nal Revenue Service Notice 2019-45 which
16 is prescribed to treat an individual diag-
17 nosed with the associated chronic condition
18 specified in such Appendix for the purpose
19 of preventing the exacerbation of such
20 chronic condition or the development of a
21 secondary condition, including any amend-
22 ment, addition, removal, or other modifica-
23 tion made by the Secretary (pursuant to
24 the authority granted to the Secretary
25 under paragraph (2)(C)) to the items or

1 services specified in such Appendix subse-
 2 quent to the date of enactment of this sub-
 3 paragraph.

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

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

10 **SEC. 307. SUPPORT FOR OLDER FOSTER YOUTH.**

11 (a) FUNDING INCREASES.—The dollar amount speci-
 12 fied in section 477(h)(1) of the Social Security Act (42
 13 U.S.C. 677(h)(1)) for fiscal year 2020 is deemed to be
 14 \$193,000,000.

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

17 (1) SUSPENSION OF CERTAIN REQUIREMENTS
 18 UNDER THE EDUCATION AND TRAINING VOUCHER
 19 PROGRAM.—The Secretary may allow a State to
 20 waive the applicability of the requirement in section
 21 477(i)(3) of the Social Security Act (42 U.S.C.
 22 677(i)(3)) that a youth must be enrolled in a post-
 23 secondary education or training program or making
 24 satisfactory progress toward completion of that pro-

1 gram if a youth is unable to meet these require-
2 ments due to the public health emergency.

3 (2) AUTHORITY TO WAIVE LIMITATIONS ON
4 PERCENTAGE OF FUNDS USED FOR HOUSING ASSIST-
5 ANCE AND ELIGIBILITY FOR SUCH ASSISTANCE.—

6 Notwithstanding subsections (b)(3)(B) and (b)(3)(C)
7 of section 477 of the Social Security Act (42 U.S.C.
8 677), a State may—

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

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

20 (c) SPECIAL RULES.—

21 (1) NONAPPLICATION OF MATCHING FUNDS RE-
22 QUIREMENT FOR INCREASED FUNDING.—With re-
23 spect to the amount allotted to a State under section
24 477(c)(1) of the Social Security Act (42 U.S.C.
25 677(c)(1)) for fiscal year 2020, the Secretary shall

1 apply section 474(a)(4)(A)(i) of such Act (42 U.S.C.
 2 674(a)(4)(A)(i)) to the additional amount of such al-
 3 lotment resulting from the deemed increase in the
 4 dollar amount specified in section 477(h)(1) of such
 5 Act (42 U.S.C. 677(h)(1)) for fiscal year 2020
 6 under subsection (a) by substituting “100 percent”
 7 for “80 percent”.

8 (2) NO RESERVATION FOR EVALUATION, TECH-
 9 NICAL ASSISTANCE, PERFORMANCE MEASUREMENT,
 10 AND DATA COLLECTION ACTIVITIES.—Section
 11 477(g)(2) of such Act (42 U.S.C. 677(g)(2)) shall
 12 not apply to the portion of the deemed dollar
 13 amount for section 477(h)(1) of such Act (42 U.S.C.
 14 677(h)(1)) for fiscal year 2020 under subsection (a)
 15 that exceeds the dollar amount specified in that sec-
 16 tion for such fiscal year.

17 (d) DEFINITIONS.—In this section:

18 (1) COVID–19 PUBLIC HEALTH EMERGENCY.—
 19 The term “COVID–19 public health emergency”
 20 means the public health emergency declared by the
 21 Secretary pursuant to section 319 of the Public
 22 Health Service Act on January 31, 2020, entitled
 23 “Determination that a Public Health Emergency
 24 Exists Nationwide as the Result of the 2019 Novel

1 Coronavirus” and includes any renewal of such dec-
 2 laration pursuant to such section 319.

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

5 **SEC. 308. COURT IMPROVEMENT PROGRAM.**

6 (a) TEMPORARY FUNDING INCREASES.—Out of any
 7 money in the Treasury of the United States not otherwise
 8 appropriated, there are appropriated to the Secretary,
 9 \$10,000,000 for fiscal year 2020 for making grants in ac-
 10 cordance with this section to the highest State courts de-
 11 scribed in section 438 of the Social Security Act (42
 12 U.S.C. 629h). Grants made under this section shall be
 13 considered to be Court Improvement Program grants
 14 made under such section 438, subject to the succeeding
 15 provisions of this section.

16 (b) DISTRIBUTION OF FUNDS.—

17 (1) IN GENERAL.—From the amount appro-
 18 priated under subsection (a), the Secretary shall—

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

21 (B) pay from the amount remaining after
 22 the application of subparagraph (A), a grant to
 23 each highest State court that is approved to re-
 24 ceive a grant under section 438 of the Social
 25 Security Act for the purpose described in sub-

1 section (a)(3) of that section for fiscal year
2 2020 .

3 (2) AMOUNT.—The amount of the grant award-
4 ed to a highest State court under this section is
5 equal to the sum of—

6 (A) \$85,000; and

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

17 (3) OTHER RULES.—

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

23 (B) NO MATCHING REQUIREMENT.—The
24 limitation on the use of funds specified in sec-
25 tion 438(d) of such Act (42 U.S.C. 629h(d))

1 shall not apply to the grants awarded under
2 this section.

3 (C) NO ADDITIONAL APPLICATION.—The
4 Secretary shall award grants to the highest
5 State courts under this section without requir-
6 ing such courts to submit an additional applica-
7 tion.

8 (D) REPORTS.—The Secretary may estab-
9 lish reporting criteria specific to the grants
10 awarded under this section.

11 (E) REDISTRIBUTION OF FUNDS.—If a
12 highest State court does not accept a grant
13 awarded under this section, or does not agree to
14 comply with any reporting requirements im-
15 posed under subparagraph (D) or the use of
16 funds requirements specified in subsection (c),
17 the Secretary shall redistribute the grant funds
18 that would have been awarded to that court
19 among the other highest State courts that are
20 awarded grants under this section and agree to
21 comply with such reporting and use of funds re-
22 quirements.

23 (c) USE OF FUNDS.—A highest State court awarded
24 a grant under this section shall use the grant funds to

1 address needs stemming from the COVID–19 public
2 health emergency, which may include any of the following:

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

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

13 (3) Programs to help families address aspects
14 of the case plan to avoid delays in legal proceedings
15 that would occur as a direct result of the COVID–
16 19 public health emergency.

17 (4) Other purposes to assist courts, court per-
18 sonnel, or related staff related to the COVID–19
19 public health emergency.

20 (d) DEFINITIONS.—In this section:

21 (1) COVID–19 PUBLIC HEALTH EMERGENCY.—
22 The term “COVID–19 public health emergency”
23 means the public health emergency declared by the
24 Secretary pursuant to section 319 of the Public
25 Health Service Act on January 31, 2020, entitled

1 “Determination that a Public Health Emergency
 2 Exists Nationwide as the Result of the 2019 Novel
 3 Coronavirus” and includes any renewal of such dec-
 4 laration pursuant to such section 319.

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

7 **Subtitle B—Emergency Support**
 8 **and COVID-19 Protection for**
 9 **Nursing Homes**

10 **SEC. 311. DEFINITIONS.**

11 In this subtitle:

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

14 (2) COVID-19 PUBLIC HEALTH EMERGENCY
 15 PERIOD.—The term “COVID-19 public health emer-
 16 gency period” means the period beginning on the
 17 first day of the emergency period defined in para-
 18 graph (1)(B) of section 1135(g) of the Social Secu-
 19 rity Act (42 U.S.C. 1320b-5(g)) and ending on the
 20 last day of the calendar quarter in which the last
 21 day of such emergency period occurs.

22 (3) NURSING FACILITY.—The term “nursing
 23 facility” has the meaning given that term in section
 24 1919(a) of the Social Security Act (42 U.S.C.
 25 1396r(a)).

1 (4) PARTICIPATING PROVIDER.—The term
 2 “participating provider” means a skilled nursing fa-
 3 cility or a nursing facility that has been assigned a
 4 national provider identifier number by the Secretary
 5 and has executed an agreement to participate in the
 6 Medicare program established under title XVIII of
 7 the Social Security Act (42 U.S.C. 1395 et seq.) or
 8 the Medicaid program established under title XIX of
 9 such Act (42 U.S.C. 1396 et seq.).

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

12 (6) SKILLED NURSING FACILITY.—The term
 13 “skilled nursing facility” has the meaning given that
 14 term in section 1819(a) of the Social Security Act
 15 (42 U.S.C. 1395i–3(a)).

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

20 **SEC. 312. ESTABLISHING COVID-19 STRIKE TEAMS FOR**
 21 **NURSING FACILITIES.**

22 (a) IN GENERAL.—The Secretary is authorized to es-
 23 tablish and support the operation of strike teams com-
 24 prised of individuals with relevant skills, qualifications,
 25 and experience to respond to COVID–19-related crises in

1 participating providers during the COVID–19 public
2 health emergency period, based on data reported by such
3 providers to the Centers for Disease Control and Preven-
4 tion.

5 (b) MISSION AND COMPOSITION OF STRIKE
6 TEAMS.—

7 (1) IN GENERAL.—Strike teams established by
8 the Secretary may include assessment, testing, and
9 clinical teams, and a mission for each such team
10 may include performing medical examinations, con-
11 ducting COVID–19 testing, and assisting partici-
12 pating providers with the implementation of infec-
13 tion control practices (such as quarantine, isolation,
14 or disinfection procedures).

15 (2) LETTER OF AUTHORIZATION.—Strike teams
16 and members of such teams shall be subject to the
17 Secretary’s oversight and direction and the Sec-
18 retary may issue a letter of authorization to team
19 members describing—

20 (A) the individual’s designation to serve on
21 1 or more teams under an emergency proclama-
22 tion by the Secretary;

23 (B) the mission of the team;

24 (C) the authority of the individual to per-
25 form the team mission;

1 (D) the individual's authority to access
2 places, persons, and materials necessary for the
3 team member's performance of the team's mis-
4 sion;

5 (E) the requirement that team members
6 maintain the confidentiality of patient informa-
7 tion shared with such individuals by a partici-
8 pating provider; and

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

11 (3) SECRETARIAL OVERSIGHT.—The Secretary
12 may, at any time, disband any strike team and re-
13 scind the letter of authorization for any team mem-
14 ber.

15 (4) TEAM AND MEMBER AUTHORITY.—A team
16 and team member may not use the letter of author-
17 ization described in paragraph (2) for any purpose
18 except in connection with the team's mission of act-
19 ing in good faith to promote resident and employee
20 safety in participating providers in which COVID-19
21 is confirmed to be present.

22 (5) ADMINISTRATION.—The Secretary, in con-
23 sultation with the Director of the Centers for Dis-
24 ease Control and Prevention, may establish protocols
25 and procedures for requesting the assistance of a

1 strike team established under this section and any
 2 other procedures deemed necessary for the team's
 3 operation.

4 (6) SUPPLEMENTATION OF OTHER RESPONSE
 5 EFFORTS.—Strike teams established by the Sec-
 6 retary under this section shall supplement and not
 7 supplant response efforts carried out by a State
 8 strike team or a technical assistance team estab-
 9 lished by the Secretary during the COVID-19 public
 10 health emergency period

11 **SEC. 313. PROMOTING COVID-19 TESTING AND INFECTION**
 12 **CONTROL IN NURSING FACILITIES.**

13 (a) NURSING HOME PROTECTIONS.—The Secretary,
 14 in consultation with the Elder Justice Coordinating Coun-
 15 cil, is authorized during the COVID-19 public health
 16 emergency period to enhance efforts by participating pro-
 17 viders to respond to COVID-19, including through—

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

23 (2) enhanced diagnostic testing of visitors to,
 24 personnel of, and residents of, participating pro-
 25 viders in which measures of COVID-19 in the com-

1 munity support more frequent testing for COVID–
2 19;

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

7 (4) providing support to participating providers
8 in areas deemed by the Secretary to require addi-
9 tional assistance due to the presence COVID–19 in-
10 fections.

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

13 (1) IN GENERAL.—The Secretary shall develop
14 training courses on infection control and prevention,
15 including cohorting, strategies and use of telehealth
16 to mitigate the transmission of COVID–19 in par-
17 ticipating providers during the COVID–19 public
18 health emergency period.

19 (2) DEVELOPMENT.—To the extent practicable,
20 the training programs developed by the Secretary
21 under this subsection shall use best practices in in-
22 fection control and prevention.

23 (3) COORDINATION WITH OTHER FEDERAL EN-
24 TITIES.—The Secretary shall seek input as appro-
25 priate on the training courses developed under this

1 subsection from the Elder Justice Coordinating
2 Council and the Director of the Centers for Disease
3 Control and Prevention.

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

10 **SEC. 314. PROMOTING TRANSPARENCY IN COVID-19 RE-**
11 **PORTING BY NURSING FACILITIES.**

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

22 **SEC. 315. FUNDING.**

23 The Secretary may use amounts appropriated for
24 COVID–19 response and related activities pursuant to the

1 CARES Act (Public Law 116–136) and subsequently en-
 2 acted legislation to carry out this subtitle.

3 **TITLE IV—ADDITIONAL FLEXI-**
 4 **BILITY AND ACCOUNTABILITY**
 5 **FOR CORONAVIRUS RELIEF**
 6 **FUND PAYMENTS AND STATE**
 7 **TAX CERTAINTY FOR EM-**
 8 **PLOYEES AND EMPLOYERS**

9 **SEC. 401. EXPANSION OF ALLOWABLE USE OF**
 10 **CORONAVIRUS RELIEF FUND PAYMENTS BY**
 11 **STATES AND TRIBAL AND LOCAL GOVERN-**
 12 **MENTS.**

13 (a) IN GENERAL.—Section 601(d) of the Social Secu-
 14 rity Act (42 U.S.C. 801(d)) is amended to read as follows:

15 “(d) USE AND AVAILABILITY OF FUNDS.—

16 “(1) ALLOWABLE USES.—A State, Tribal gov-
 17 ernment, or unit of local government shall use the
 18 funds provided under a payment made under this
 19 section only for the following purposes:

20 “(A) COVID-19 COSTS.—During the pe-
 21 riod that begins on March 1, 2020, and ends on
 22 September 30, 2021 (or, in the case of a State
 23 or government described in clause (iii) of sub-
 24 paragraph (B), the date determined for the
 25 State or government under such clause), to pay

costs of the State, Tribal government, or unit
of local government that—

“(i) are necessary expenditures incurred 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 government 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 distributed at least 25 percent of the

1 total amount of the payments received
2 by the State or government under this
3 section to localities within the jurisdic-
4 tion of the State or government or
5 that there are no localities within the
6 jurisdiction of the State or govern-
7 ment.

8 “(ii) REVENUE SHORTFALL
9 AMOUNT.—For purposes of this subpara-
10 graph, the revenue shortfall amount for a
11 State or government and a State or gov-
12 ernment fiscal year is the amount, if any,
13 by which—

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

22 “(II) the total amount of such
23 revenue collected for the State or gov-
24 ernment fiscal year for 2019.

1 “(iii) SPECIAL RULE.—In the case of
2 a State or government that has a fiscal
3 year for 2021 that ends after June 30,
4 2021, the date determined for such State
5 or government under this clause is the date
6 that is 90 days after the last day of the
7 State or government fiscal year for 2021.

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

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

17 “(II) the sum of the revenue
18 shortfall amounts determined for the
19 State or government for fiscal years
20 2020 and 2021 under clause (ii).

21 “(2) PROHIBITED USES.—No State, Tribal gov-
22 ernment, or unit of local government may use funds
23 provided under a payment made under this section
24 for any of the following purposes:

1 “(A) To make a deposit into, or reimburse,
2 any State or government fund that finances
3 pensions or other postemployment benefits for
4 current or former employees of the State or
5 government.

6 “(B) To satisfy any obligation or liability
7 of the State or government with respect to a
8 pension or other postemployment benefit fund,
9 plan, or program for current or former employ-
10 ees of the State or government.

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

16 “(D) To make a deposit into, or reimburse
17 a withdrawal from, a budget stabilization fund,
18 budget reserve account, or other ‘rainy day’ or
19 reserve fund of the State or government estab-
20 lished to provide a source of funding for oper-
21 ations of the State or government during a rev-
22 enue downturn or other unanticipated shortfall
23 and accounted for in the budget most recently
24 approved as of March 27, 2020, for the State
25 or government.

1 “(E) To participate in litigation in which
2 an officer of the State or government is a party
3 in the officer’s personal capacity.

4 “(F) To undertake to—

5 “(i) influence the passage or defeat of
6 any legislation by the Congress of the
7 United States, or by any State or local leg-
8 islative body; or

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

11 “(3) MAINTENANCE OF EFFORT.—In accord-
12 ance with guidance from the Secretary issued before,
13 on, or after the date of enactment of the American
14 Workers, Families, and Employers Assistance Act),
15 any amount from a payment made under this sec-
16 tion to a State, Tribal government, or unit of local
17 government that is distributed by such entity to a
18 unit of general local government below the level of
19 such entity shall supplement, and not supplant, any
20 non-Federal funds that such entity would otherwise
21 provide, distribute, or use for assistance to such unit
22 of general local government.

23 “(4) AVAILABILITY.—Funds paid or distributed
24 to a State, Tribal government, or unit of local gov-
25 ernment 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

1 the locality uses the funds distributed in ac-
 2 cordance with the limitations, restrictions, and
 3 requirements applicable under subparagraph
 4 (A).”.

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

7 (1) in subsection (f)—

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

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

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

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

24 “(B) have imposed a condition, require-
 25 ment, or restriction on funds distributed to a

1 locality which the Inspector General has reason
2 to believe violates subsection (d)(5)(B).”.

3 (2) in subsection (g)—

4 (A) by redesignating paragraphs (3)
5 through (5) as paragraphs (5) through (7), re-
6 spectively; and

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

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

16 “(4) OTHER POSTEMPLOYMENT BENEFITS.—
17 The term ‘other postemployment benefits’ includes
18 postemployment health care benefits, regardless of
19 the type of plan that provides them, and all
20 postemployment benefits provided separately from a
21 pension plan, excluding benefits defined as termi-
22 nation offers and benefits.”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall take effect as if included in the enact-
25 ment of section 601 of the Social Security Act, as added

1 by section 5001(a) of the CARES Act (Public Law 116–
2 136).

3 **SEC. 402. ACCOUNTABILITY FOR THE DISBURSEMENT AND**
4 **USE OF STATE OR GOVERNMENT RELIEF PAY-**
5 **MENTS.**

6 (a) DATA ON DISBURSEMENT AND USE OF PAY-
7 MENTS FROM THE CORONAVIRUS RELIEF FUND.—Pursu-
8 ant to the authority provided in section 601(f) of the So-
9 cial Security Act (42 U.S.C. 801(f)), as added by section
10 5001(a) of the CARES Act (Public Law 116–136) and
11 amended by section 401(b), the Inspector General of the
12 Department of the Treasury shall compile data on the dis-
13 bursement and use of funds made available from each pay-
14 ment made by the Secretary of the Treasury from the
15 Coronavirus Relief Fund established under section 601 of
16 the Social Security Act (42 U.S.C. 801) to States, the Dis-
17 trict of Columbia, territories, Tribal governments, and di-
18 rectly to units of local government under section 601(b)(2)
19 of such Act (in this section referred to as a “State or gov-
20 ernment relief payment”).

21 (b) REPORTING ON USES OF RELIEF FUNDS.—

22 (1) IN GENERAL.—Each recipient of a State or
23 government relief payment (referred to in this sec-
24 tion as a “recipient”) shall submit a report on the
25 recipient’s use of such payment to the Secretary and

1 the Inspector General of the Treasury using a portal
2 designated by the Secretary for such purpose for
3 each calendar quarter and period described in para-
4 graph (3)(A). Such report shall include the fol-
5 lowing:

6 (A) The total amount of all State or gov-
7 ernment relief payments made to the recipient.

8 (B) A detailed list of all projects or activi-
9 ties on which funds from such payments were
10 expended or obligated, including, for each such
11 project or activity—

12 (i) the name of the project or activity;

13 (ii) a description of the project or ac-
14 tivity;

15 (iii) the name of each business, con-
16 sultant, or contractor used to facilitate the
17 implementation or continuation of the
18 project or activity; and

19 (iv) the amount of such funds ex-
20 pended or obligated.

21 (C) Detailed information on—

22 (i) any loan issued using such funds;

23 (ii) any contract or grant financed in
24 whole or in part with such funds, including

1 any contract with an entity described in
2 subparagraph (B)(iii);

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

5 (iv) any direct payments of such funds
6 made by the recipient that equal or exceed
7 \$50,000.

8 (D) Detailed information on the extent to
9 which the recipient used a State or government
10 relief payment made to fund operations due to
11 a revenue shortfall, in accordance with subpara-
12 graph (B) of section 601(d)(1) of the Social Se-
13 curity Act (42 U.S.C. 801(d)(1)), including—

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

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

20 (iii) for each source identified in
21 clause (ii), the amount of the reduction in
22 revenue generated by such source over the
23 period described in subparagraph (A)(ii) of
24 such section.

1 (2) CERTIFICATION.—Each recipient shall cer-
 2 tify that the information reported with respect to
 3 each quarter or period is true, accurate, and com-
 4 plete. Such certification shall be made by an author-
 5 ized representative of the recipient that has the legal
 6 authority to give assurances, make commitments,
 7 and enter into contracts on behalf of the recipient.

8 (3) REPORT DEADLINES.—A recipient shall re-
 9 port the data required under paragraph (1)—

10 (A) for the period beginning on March 1,
 11 2020, and ending on June 30, 2020, not later
 12 than September 21, 2020; and

13 (B) for each calendar quarter in the period
 14 that begins on July 1, 2020, and ends on Sep-
 15 tember 30, 2021 (or, in the case of a recipient
 16 for which a date is determined under section
 17 601(d)(1)(B)(iii) of the Social Security Act, the
 18 last day of the calendar quarter in which such
 19 date occurs), not later than later than 10 days
 20 after the end of the calendar quarter.

21 (c) RECORD RETENTION REQUIREMENTS.—

22 (1) IN GENERAL.—Each recipient and entity
 23 described in paragraph (3) shall maintain, for not
 24 less than 5 years after date on the recipient expends
 25 all funds from State or government relief payments

1 paid to the recipient and shall make available to the
2 Secretary of the Treasury and the Inspector General
3 of the Department of the Treasury upon request, all
4 documents and financial records of the recipient suf-
5 ficient to establish the recipient's compliance with
6 section 601(d) of the Social Security Act (42 U.S.C.
7 801(d)).

8 (2) SCOPE OF RECORDS.—The documents and
9 records sufficient to establish a recipient's compli-
10 ance with such section may include—

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

15 (B) budget records of the recipient for
16 2019, 2020, and 2021;

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

23 (D) receipts of purchases made related to
24 addressing the public health emergency due to

1 COVID–19 or other use of funds allowable
2 under such section 601(d);

3 (E) contracts and subcontracts entered
4 into with funds from any State or government
5 relief payment made to the recipient, and all
6 documents related to such contracts or sub-
7 contracts;

8 (F) grant agreements and subgrant agree-
9 ments entered into with funds from any State
10 or government relief payment made to the re-
11 cipient, and all documents related to such
12 agreements;

13 (G) all documentation of reports, audits,
14 and other monitoring of contractors, sub-
15 contractors, grantees, and subgrantees relating
16 to the use funds from any State or government
17 relief payment made to the recipient;

18 (H) all documentation supporting perform-
19 ance outcomes (if any) of contracts, sub-
20 contracts, grants, or subgrants relating to the
21 use of funds from any State or government re-
22 lief payment made to the recipient;

23 (I) all internal and external email and
24 other electronic communications relating to the

1 use of funds from any State or government re-
2 lief payment made to the recipients; and

3 (J) all investigative files and inquiry re-
4 ports (if any) relating to the use of funds from
5 any State or government relief payment made
6 to the recipient.

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

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

14 (B) An entity awarded a contract funded
15 in whole or in part with funds from a State or
16 government relief payment made to the recipi-
17 ent, and any subcontractor of such entity.

18 (C) A governmental entity that receives a
19 payment or transfer of funds that equals or ex-
20 ceeds \$50,000, funded in whole or in part with
21 funds from a State or government relief pay-
22 ment made to the recipient.

23 (d) QUARTERLY REPORTS TO CONGRESS.—

24 (1) IN GENERAL.—Using data complied under
25 subsection (a), the Inspector General of the Depart-

1 ment of the Treasury shall submit a report con-
 2 taining the information described in paragraph (2)
 3 to the Committee on Ways and Means of the House
 4 of Representatives and the Committee on Finance of
 5 the Senate not later than October 1, 2020, and the
 6 1st day of every third month beginning thereafter
 7 through January 1, 2021.

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

13 (A) by States receiving such payments
 14 to—

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

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

23 (B) by the Secretary of the Treasury di-
 24 rectly to units of local government (as so de-

1 fined) under section 601(b)(2) of such Act (42
2 U.S.C. 801(b)(2)).

3 **SEC. 403. STATE TAX CERTAINTY FOR EMPLOYERS AND EM-**
4 **PLOYEES.**

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

7 (1) IN GENERAL.—No part of the wages or
8 other remuneration earned by an employee who is a
9 resident of a taxing jurisdiction and performs em-
10 ployment duties in more than one taxing jurisdiction
11 shall be subject to income tax in any taxing jurisdic-
12 tion other than—

13 (A) the taxing jurisdiction of the employ-
14 ee's residence; and

15 (B) any taxing jurisdiction within which
16 the employee is present and performing employ-
17 ment duties for more than 30 days during the
18 calendar year in which the wages or other re-
19 muneration is earned.

20 (2) INCOME TAX WITHHOLDING AND REPORT-
21 ING.—Wages or other remuneration earned in any
22 calendar year shall not be subject to income tax
23 withholding and reporting requirements with respect
24 to any taxing jurisdiction unless the employee is sub-
25 ject to income tax in such taxing jurisdiction under

1 paragraph (1). Income tax withholding and report-
2 ing requirements under paragraph (1)(B) shall apply
3 to wages or other remuneration earned as of the
4 commencement date of employment duties in the
5 taxing jurisdiction during the calendar year.

6 (3) OPERATING RULES.—For purposes of deter-
7 mining penalties related to an employer’s income tax
8 withholding and reporting requirements with respect
9 to any taxing jurisdiction—

10 (A) an employer may rely on an employee’s
11 annual determination of the time expected to be
12 spent by such employee in the performance of
13 employment duties in the taxing jurisdictions in
14 which the employee will perform such duties ab-
15 sent—

16 (i) the employer’s actual knowledge of
17 fraud by the employee in making the deter-
18 mination; or

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

21 (B) except as provided in subparagraph
22 (C), if records are maintained by an employer
23 in the regular course of business that record the
24 location at which an employee performs employ-
25 ment duties, such records shall not preclude an

1 employer's ability to rely on an employee's de-
2 termination under subparagraph (A); and

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

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

12 (A) DAY.—

13 (i) Except as provided in clause (ii),
14 an employee is considered present and per-
15 forming employment duties within a taxing
16 jurisdiction for a day if the employee per-
17 forms more of the employee's employment
18 duties within such taxing jurisdiction than
19 in any other taxing jurisdiction during a
20 day.

21 (ii) If an employee performs employ-
22 ment duties in a resident taxing jurisdic-
23 tion and in only one nonresident taxing ju-
24 risdiction during one day, such employee
25 shall be considered to have performed more

1 of the employee's employment duties in the
 2 nonresident taxing jurisdiction than in the
 3 resident taxing jurisdiction for such day.

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

10 (B) EMPLOYEE.—

11 (i) IN GENERAL.—

12 (I) GENERAL DEFINITION.—Ex-
 13 cept as provided in subclause (II), the
 14 term “employee” has the meaning
 15 given such term in section 3121(d) of
 16 the Internal Revenue Code of 1986
 17 (26 U.S.C. 3121(d)), unless such term
 18 is defined by the taxing jurisdiction in
 19 which the person's employment duties
 20 are performed, in which case the tax-
 21 ing jurisdiction's definition shall pre-
 22 vail.

23 (II) EXCEPTION.—The term
 24 “employee” shall not include a profes-
 25 sional athlete, professional enter-

1 tainer, qualified production employee,
2 or certain public figures.

3 (ii) PROFESSIONAL ATHLETE.—The
4 term “professional athlete” means a per-
5 son who performs services in a professional
6 athletic event, provided that the wages or
7 other remuneration are paid to such per-
8 son for performing services in his or her
9 capacity as a professional athlete.

10 (iii) PROFESSIONAL ENTERTAINER.—
11 The term “professional entertainer” means
12 a person of prominence who performs serv-
13 ices in the professional performing arts for
14 wages or other remuneration on a per-
15 event basis, provided that the wages or
16 other remuneration are paid to such per-
17 son for performing services in his or her
18 capacity as a professional entertainer.

19 (iv) QUALIFIED PRODUCTION EM-
20 PLOYEE.—The term “qualified production
21 employee” means a person who performs
22 production services of any nature directly
23 in connection with a taxing jurisdiction
24 qualified, certified or approved film, tele-
25 vision or other commercial video produc-

1 tion for wages or other remuneration, pro-
2 vided that the wages or other remuneration
3 paid to such person are qualified produc-
4 tion costs or expenditures under such tax-
5 ing jurisdiction's qualified, certified or ap-
6 proved film, television or other commercial
7 video production incentive program, and
8 that such wages or other remuneration
9 must be subject to withholding under such
10 qualified, certified or approved film, tele-
11 vision or other commercial video produc-
12 tion incentive program as a condition to
13 treating such wages or other remuneration
14 as a qualified production cost or expendi-
15 ture.

16 (v) CERTAIN PUBLIC FIGURES.—The
17 term “certain public figures” means per-
18 sons of prominence who perform services
19 for wages or other remuneration on a per-
20 event basis, provided that the wages or
21 other remuneration are paid to such per-
22 son for services provided at a discrete
23 event, in the nature of a speech, public ap-
24 pearance, or similar event.

1 (C) EMPLOYER.—The term “employer”
2 has the meaning given such term in section
3 3401(d) of the Internal Revenue Code of 1986
4 (26 U.S.C. 3401(d)), unless such term is de-
5 fined by the taxing jurisdiction in which the
6 employee’s employment duties are performed, in
7 which case the taxing jurisdiction’s definition
8 shall prevail.

9 (D) TAXING JURISDICTION.—The term
10 “taxing jurisdiction” means any of the several
11 States, the District of Columbia, or any munici-
12 pality, city, county, township, parish, transpor-
13 tation district, or assessment jurisdiction, or
14 any other political subdivision of a State with
15 the authority to impose a tax, charge, or fee.

16 (E) TIME AND ATTENDANCE SYSTEM.—
17 The term “time and attendance system” means
18 a system in which—

19 (i) the employee is required on a con-
20 temporaneous basis to record his or her
21 work location for every day worked outside
22 of the taxing jurisdiction in which the em-
23 ployee’s employment duties are primarily
24 performed; and

1 (ii) the system is designed to allow the
2 employer to allocate the employee's wages
3 for income tax purposes among all taxing
4 jurisdictions in which the employee per-
5 forms employment duties for such em-
6 ployer.

7 (F) WAGES OR OTHER REMUNERATION.—

8 The term “wages or other remuneration” may
9 be defined by the taxing jurisdiction in which
10 the employment duties are performed.

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

17 (6) ADJUSTMENT DURING CORONAVIRUS PAN-
18 DEMIC.—With respect to calendar year 2020, in the
19 case of any employee who performs employment du-
20 ties in any taxing jurisdiction other than the taxing
21 jurisdiction of the employee's residence during such
22 year as a result of the COVID-19 public health
23 emergency, paragraph (1)(B) shall be applied by
24 substituting “90 days” for “30 days”.

25 (b) STATE AND LOCAL TAX CERTAINTY.—

1 (1) STATUS OF EMPLOYEES DURING COVERED
2 PERIOD.—Notwithstanding subsection (a)(1)(B) or
3 any provision of law of a taxing jurisdiction, with re-
4 spect to any employee whose primary work location
5 is within a taxing jurisdiction and who is working
6 remotely within another taxing jurisdiction during
7 the covered period—

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

13 (B) if an employer, at its sole discretion,
14 maintains a system that tracks where such em-
15 ployee performs duties on a daily basis, wages
16 earned by such employee may, at the election of
17 such employer, be treated as earned at the loca-
18 tion in which such duties were remotely per-
19 formed.

20 (2) STATUS OF BUSINESSES DURING COVERED
21 PERIOD.—Notwithstanding any provision of law of a
22 taxing jurisdiction—

23 (A) in the case of an out-of-jurisdiction
24 business which has any employees working re-
25 motely within such jurisdiction during the cov-

1 ered period, the duties performed by such em-
2 ployees within such jurisdiction during such pe-
3 riod shall not be sufficient to create any nexus
4 or establish any minimum contacts or level of
5 presence that would otherwise subject such
6 business to any registration, taxation, or other
7 related requirements for businesses operating
8 within such jurisdiction; and

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

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

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

23 (3) DEFINITIONS.—For purposes of this sub-
24 section—

1 (A) COVERED PERIOD.—The term “cov-
2 ered period” means, with respect to any em-
3 ployee working remotely, the period—

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

7 (ii) ending on the earlier of—

8 (I) the date on which the em-
9 ployer allows, at the same time—

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

13 (bb) not less than 90 per-
14 cent of their permanent work-
15 force to return to such work loca-
16 tion; or

17 (II) December 31, 2020.

18 (B) EMPLOYEE.—The term “employee”
19 has the meaning given such term in section
20 3121(d) of the Internal Revenue Code of 1986
21 (26 U.S.C. 3121(d)), unless such term is de-
22 fined by the taxing jurisdiction in which the
23 person’s employment duties are deemed to be
24 performed pursuant to paragraph (1), in which

1 case the taxing jurisdiction’s definition shall
2 prevail.

3 (C) EMPLOYER.—The term “employer”
4 has the meaning given such term in section
5 3401(d) of the Internal Revenue Code of 1986
6 (26 U.S.C. 3401(d)), unless such term is de-
7 fined by the taxing jurisdiction in which the
8 employee’s employment duties are deemed to be
9 performed pursuant to paragraph (1), in which
10 case the taxing jurisdiction’s definition shall
11 prevail.

12 (D) OUT-OF-JURISDICTION BUSINESS.—
13 The term “out-of-jurisdiction business” means,
14 with respect to any taxing jurisdiction, any
15 business entity which, excepting any employees
16 of such business who are working remotely
17 within such jurisdiction during the covered pe-
18 riod, would not otherwise be subject to any tax
19 filing requirements under the existing law of
20 such taxing jurisdiction.

21 (E) PRIMARY WORK LOCATION.—The term
22 “primary work location” means, with respect to
23 an employee, the address of the employer where
24 the employee is regularly assigned to work when

1 such employee is not working remotely during
2 the covered period.

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

6 (G) WAGES.—The term “wages” means all
7 wages and other remuneration paid to an em-
8 ployee that are subject to tax or withholding re-
9 quirements under the law of the taxing jurisdic-
10 tion in which the employment duties are
11 deemed to be performed under paragraph (1)
12 during the covered period.

13 (H) WORKING REMOTELY.—The term
14 “working remotely” means the performance of
15 duties by an employee at a location other than
16 the primary work location of such employee at
17 the direction of his or her employer due to con-
18 ditions resulting from the public health emer-
19 gency relating to the virus SARS-CoV-2 or
20 coronavirus disease 2019 (referred to in this
21 subparagraph as “COVID-19”), including—

22 (i) to comply with any government
23 order relating to COVID-19;

24 (ii) to prevent the spread of COVID-
25 19; and

1 (iii) due to the employee or a member
 2 of the employee's family contracting
 3 COVID-19.

4 (4) PRESERVATION OF AUTHORITY OF TAXING
 5 JURISDICTIONS.—This subsection shall not be con-
 6 strued as modifying, impairing, superseding, or au-
 7 thorizing the modification, impairment, or superses-
 8 sion of the law of any taxing jurisdiction pertaining
 9 to taxation except as expressly provided in para-
 10 graphs (1) through (3).

11 (c) EFFECTIVE DATE; APPLICABILITY.—

12 (1) EFFECTIVE DATE.—Subject to paragraph
 13 (3), this section shall apply to calendar years begin-
 14 ning after December 31, 2019.

15 (2) APPLICABILITY.—This section shall not
 16 apply to any tax obligation that accrues before Jan-
 17 uary 1, 2020.

18 (3) TERMINATION.—Subsection (a) shall not
 19 apply to calendar years beginning after December
 20 31, 2024.

21 **TITLE V—EMERGENCY** 22 **DESIGNATION**

23 **SEC. 501. EMERGENCY DESIGNATION.**

24 (a) IN GENERAL.—The amounts provided by this Act
 25 and the amendments made by this Act are designated as

1 an emergency requirement pursuant to section 4(g) of the
2 Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

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

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