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Client Alert

# SECTION-BY-SECTION SUMMARY OF CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT

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March 27, 2020

This document provides a section-by-section summary of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). This summary is intended as a high-level description of the provisions of the CARES Act, the full text of which numbers over 800 pages. It does not contain or constitute a legal analysis of those provisions, or an assessment of their impact on any particular client or group of clients. Readers interested in the latter should contact the White & Case partner with expertise in their particular area of interest.

[TITLE I—KEEPING AMERICAN WORKERS PAID AND EMPLOYED ACT](#)

[TITLE II—ASSISTANCE FOR AMERICAN WORKERS, FAMILIES, AND BUSINESSES](#)

[TITLE III—SUPPORTING AMERICA’S HEALTH CARE SYSTEM IN THE FIGHT AGAINST THE CORONAVIRUS](#)

[TITLE IV—ECONOMIC STABILIZATION AND ASSISTANCE TO SEVERELY DISTRESSED SECTORS OF THE UNITED STATES ECONOMY](#)

[TITLE V—CORONAVIRUS RELIEF FUNDS](#)

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Section	Description	Summary
<b>DIVISION A—KEEPING WORKERS PAID AND EMPLOYED, HEALTH CARE SYSTEM ENHANCEMENTS, AND ECONOMIC STABILIZATION</b>		
<b>TITLE I—KEEPING AMERICAN WORKERS PAID AND EMPLOYED ACT</b>		
<b>Sec. 1101</b>	Definitions	See text.
<b>Sec. 1102</b>	Paycheck protection program	<p>Establishes that any guarantee by the US Small Business Administration (“SBA”) of loans made for the Paycheck Protection Program (“PPP”) under section 7(a) of the Small Business Act will be at 100 percent.</p> <p>Provides the authority for the SBA to make and guarantee loans under the PPP within the framework of section 7(a) of the Small Business Act.</p> <p>Defines the PPP loan availability period as beginning on February 15, 2020 and ending on June 30, 2020.</p> <p>Requires the SBA to register each loan using the taxpayer TIN, as defined by the Internal Revenue Service, within 15 days.</p> <p>Defines eligibility for loans as any business concern, 501(c)(3) nonprofit, 501(c)(19) veterans’ organization, or Tribal business concern described in section 31(b)(2)(C) of the Small Business Act, in each case with not more than 500 employees (including full-time and part-time employees), or the applicable size standard for the industry as provided by the SBA, if higher.</p> <p>Includes sole-proprietors, independent contractors, and other self-employed individuals as eligible for loans.</p> <p>Allows businesses in the hospitality and restaurant industries (based on having a North American Industry Classification System code beginning with 72) with more than one physical location that employ no more than 500 employees per physical location to be eligible.</p> <p>Waives current SBA affiliation rules (i.e. that the number of employees is determined in the aggregate with a company’s affiliates) for businesses in the hospitality and restaurant industries employing fewer than 500 employees, franchises that are assigned a franchise identifier code by the SBA, and small businesses that receive financing from a small business investment company licensed under the Small Business Investment Act.</p> <p>Applies affiliation rules to eligible nonprofits and veterans organizations.</p>

Establishes the formula for calculating the maximum PPP amount as 2.5 times average monthly “payroll costs” (as defined in the CARES Act, including a limitation on inclusion of compensation of any individual employee in excess of an annual salary of \$100,000 (on a prorated basis)) for a specified period, up to \$10 million.

Specifies allowable uses of the loan to be any allowable use of a loan under section 7(a) of the Small Business Act (i.e. most business purposes, including working capital and capital expenditures); specifically identifies payroll costs, costs related to continuation of group health care benefits during paid sick, medical or family leave, and insurance premiums, interest payments on mortgages or other debt obligations, and rent and utilities payments, as being allowable uses.

Provides delegated authority from the SBA to any approved lender to approve applications for PPP loans.

For eligibility purposes, requires lenders to consider whether a business was operational on February 15, 2020, and had employees for whom it paid salaries and payroll taxes, or paid independent contractors.

Authorizes the US Treasury Secretary and the SBA to approve additional lenders (i.e. lenders who are not currently authorized to provide loans under section 7(a) of the Small Business Act) to provide PPP loans.

Permits a borrower who received an economic injury disaster loan (“EIDL”) under section 7(b)(2) of the Small Business Act after January 31, 2020 and before the date on which PPP loans are made available may refinance the EIDL under the PPP.

Provides that the SBA has no recourse against individual shareholders, members and partners of borrowers for non-payment of PPP loans except to the extent the loan is used for an unauthorized purpose.

Requires eligible borrowers to make a good faith certification that (i) the loan is necessary to support its ongoing operations due to the uncertainty of current economic conditions; (ii) they will use the funds to retain workers and maintain payroll, lease, mortgage and utility payments; and (iii) they do not have a pending application for (and will not receive between February 15 and December 31, 2020) duplicative funds under another provision of section 7(a) of the Small Business Act.

Waives SBA fees on PPP loans through June 30, 2020.

Provides that the following requirements for loans under section 7(a) of the Small Business Act are waived for PPP loans: (i) that the borrower is unable to obtain credit elsewhere; and (ii) requiring personal guarantees and collateral.

Provides that any portion of a loan that is not forgiven under Section 1106 of the CARES Act will have a maturity of not more than 10 years, and the guarantee by the SBA for that portion of the loan will remain intact.

Sets a maximum interest rate of four percent for PPP loans.

Requires lenders to permit deferral of PPP loan payments (including principal, interest and fees) for at least six months and not more than a year, and requires SBA to disseminate guidance to lenders on this deferment process within 30 days.

Provides that a PPP loan is eligible to be sold in the secondary market consistent with section 7(a) of the Small Business Act, and the SBA may not collect any fees for any guarantee sold into the secondary market.

Provides that a PPP loan will receive a risk weight of 0% under the capital requirements of the federal banking agencies and the National Credit Union Administration (“NCUA”).

Provides that an insured depository institution or an insured credit union that modifies a covered loan in connection with COVID-19-related difficulties in a troubled debt restructuring (“TDR”) on or after March 13, 2020 is not required to comply with FASB ASC Subtopic 310-40 (requiring TDR disclosures) for purposes of compliance with the Federal Deposit Insurance Act unless the appropriate federal banking agency or the NCUA determines otherwise.

Provides that the SBA reimburse a lender for processing PPP loans in the following amounts, within five days of loan issuance:

- 5% for loans up to \$350,000;
- 3% for loans of more than \$350,000 but less than \$2,000,000;
- 1% for loans of \$2,000,000 or greater.

Provides that an agent who assists a borrower in preparing an application for a PPP loan may not collect a fee in excess of a limit established by the SBA. Includes a sense of the Senate that the SBA should issue guidance to lenders and agents to ensure that the processing and disbursement of PPP loans prioritizes small business concerns and entities in underserved and rural markets, including veterans and members of the military community, small business concerns owned and controlled by socially and economically disadvantaged individuals, women and businesses in operation for less than two years.

Provides that a business that borrowed an EIDL prior to availability of PPP loans is not prohibited from receiving PPP loans if the EIDL was for a purpose other than paying payroll costs, costs related to continuation of group health care benefits during paid sick, medical or family leave, and insurance premiums, interest payments on mortgages or other debt obligations, and rent and utilities payments.

Waives any prepayment penalty on PPP loans.

Provides an authorization level of \$349 billion for the loan program under section 7(a) of the Small Business Act (including PPP loans) through June 30, 2020.

		<p>Increases the maximum amount of a loan under the SBA Express Loan program from \$350,000 to \$1 million through December 31, 2020, after which point the maximum amount will revert back to \$350,000.</p> <p>Removes a budget-related exception to the waiver on fees for veterans borrowing loans under the SBA Express Loan program, making such fee waiver permanent.</p> <p>Permanently rescinds the interim final rule published by the SBA entitled “Express Loan Programs: Affiliation Standards” (85 Fed. Reg. 7622 (February 10, 2020)).</p>
<b>Sec. 1103</b>	Entrepreneurial development	<p><b>1103(b)</b></p> <p>Authorizes the SBA to provide additional financial awards to resource partners (Small Business Development Centers and Women’s Business Centers) to provide advising, training, and education on SBA resources, effects of COVID-19, mitigation practices, teleworking strategies and business resiliency to small business owners affected by COVID-19.</p> <p>Goals and metrics for funds made available under this subsection are to be jointly developed by resource partners and the Administrator and publicly published.</p> <p><b>1103(c)</b></p> <p>Authorizes the SBA to provide an association or associations representing resource partners with grants to establish:</p> <ul style="list-style-type: none"> <li>• One online platform that consolidates resources and information available across multiple Federal agencies for small business concerns related to COVID–19; and</li> <li>• A training program to educate Small Business Development Center, Women’s Business Center, Service Corps of Retired Executives, and Veteran’s Business Outreach Center counselors on the various federal resources available to ensure counselors are directing small businesses appropriately.</li> </ul> <p>Goals and metrics for funds made available under this subsection are to be jointly developed by resource partners and the Administrator and publicly published.</p> <p>Within six months of enactment of the CARES Act and annually thereafter, the Administrator must prepare and deliver a report describing the programs and services developed and its continued efforts under these initiatives.</p>
<b>Sec. 1104</b>	State trade expansion program	<p>Allows for federal grant funds appropriated to support the State Trade Expansion Program (STEP) in FY 2018 and FY 2019 to remain available for use through FY 2021.</p>

		Allows for STEP participants to be reimbursed for events cancelled due to COVID- 19, so long as the reimbursement amount does not exceed their federal grant.
<b>Sec. 1105</b>	Waiver of matching funds requirement under the women's business center program	Eliminates the non-federal match requirement for Women's Business Centers for a period of three months.
<b>Sec. 1106</b>	Loan forgiveness	<p><b>1106(b)</b></p> <p>Establishes that borrowers under the PPP shall be eligible for loan forgiveness in the amount equal to the sum of the following costs incurred by the borrower during the 8-week period after the origination date of the loan:</p> <ul style="list-style-type: none"> <li>• "payroll costs" (as defined in the Act, including a limitation on inclusion of compensation of any individual employee in excess of an annual salary of \$100,000 (on a prorated basis)), and</li> <li>• to the extent the underlying obligations or services, as applicable, existed prior to February 15, 2020: <ul style="list-style-type: none"> <li>○ Interest payments on any mortgage,</li> <li>○ Payments of rent on any lease, and</li> <li>○ Payments for any utility services.</li> </ul> </li> </ul> <p><b>1106(c)(1)</b></p> <p>Provides that forgiven amounts shall be considered cancelled debt by the lender.</p> <p><b>1106(c)(2)</b></p> <p>Provides that, for purposes of the purchase of a guarantee for a PPP loan by the SBA, forgiven amounts are treated in accordance with the procedures otherwise applicable to loans guaranteed under Section 7(a) of the Small Business Act.</p> <p><b>1106(c)(3)</b></p> <p>Provides that the SBA must remit to the lender the forgiven amount (plus any accrued interest) within 90 days of the forgiveness determination.</p> <p><b>1106(c)(4)</b></p>

Provides for advance purchase by the SBA of expected forgiveness amounts within 15 days of receipt by the SBA of a report from the lender (or, at the discretion of the SBA, a third-party participant in the secondary market) of the expected forgiveness amount in their reasonable determination.

**1106(d)(1)**

Provides that amounts forgiven may not exceed the principal amount of the loan.

**1106(d)(2), (3)**

Provides that the amount forgiven will be reduced proportionally by (i) any reduction in the average number of full-time employees per month during the 8-week period after the origination of the loan (as compared to a specified prior period) and (ii) any reduction in pay of any employee beyond 25 percent of their compensation in the most recent full quarter during which the employee was employed prior to such 8-week period (excluding employees with wages or salary during any pay period in 2019 in excess of \$100,000 on an annual basis).

**1106(d)(4)**

Allows forgiveness for additional wages paid to tipped workers.

**1106(d)(5)**

Provides that the calculation of the amount to be forgiven will disregard any workforce or compensation reductions made between February 15, 2020 and the date that is 30 days after the date of enactment of the CARES Act to the extent such reductions are eliminated by June 30, 2020 (to incentivize rehiring and reversal of compensation reductions).

**1106(e)**

Provides that borrowers must submit certain supporting documentation to the lender together with their application for loan forgiveness, including verification of number of full-time equivalent employees and relevant payments made.

**1106(g)**

Provides that lenders must issue a decision on a borrower application for forgiveness within 60 days of receiving such application.

**1106(h)**

		<p>Provides that lenders who receive the required documentation will not be subject to an enforcement action or penalties by the SBA relating to loan forgiveness for eligible uses.</p> <p><b>1106(i)</b></p> <p>Provides that canceled indebtedness resulting from this section will not be included in the borrower’s gross income for tax code purposes.</p> <p><b>1106(j)</b></p> <p>Provides that loan forgiveness shall not otherwise modify the terms of the loan.</p> <p><b>1106(k)</b></p> <p>Requires the SBA to issue guidance and regulations implementing the loan forgiveness process under this section within 30 days.</p>
<p><b>Sec. 1107</b></p>	<p>Direct appropriations</p>	<p>Appropriates the Department of the Treasury’s funds not otherwise appropriated for the following uses:</p> <ul style="list-style-type: none"> <li>• \$349 billion for loan guarantees,</li> <li>• \$675 million for SBA salaries and expenses,</li> <li>• \$25 million for the Office of Inspector General,</li> <li>• \$240 million for small business development centers and women’s business centers for education, training and advising for businesses,</li> <li>• \$25 million for resource partner associations to establish a single centralized hub for COVID–19 information,</li> <li>• \$10 million for minority business centers for technical assistance for businesses,</li> <li>• \$10 billion for emergency EIDL grants,</li> <li>• \$17 billion for loan subsidies,</li> </ul>



		<ul style="list-style-type: none"> <li>• \$25 million for Department of the Treasury salaries and expenses, and</li> <li>• \$100 billion for secondary market guarantee sales.</li> </ul>
<b>Sec. 1108</b>	Minority business development agency	<p>Authorizes \$10 million for the Minority Business Development Agency within the Department of Commerce to provide grants to minority business centers and minority chambers of commerce for the purpose of providing advising, training, and education on access to federal resources, mitigation practices, teleworking strategies and business response to COVID-19 for small businesses.</p> <p>Goals and metrics for funds made available under this subsection are to be jointly developed by minority business centers, minority chambers of commerce and the SBA and publicly published.</p> <p>Eliminates the minority business center program’s non-federal match requirement for a period of three months and allows centers to waive fee-for-service requirements through September 2021 upon notification to the SBA.</p>
<b>Sec. 1109</b>	United States Treasury Program Management Authority	<p><b>1109(b) and (c)</b></p> <p>Establishes the authority of the Department of the Treasury, in consultation with the SBA and the Farm Credit Administration, to establish criteria to authorize insured depository institutions, insured credit unions, institutions of the Farm Credit System, and other lenders that do not already participate in lending under SBA programs to participate in loans made under the PPP until the expiration of the national emergency declared by the President. Participation is permitted only if it does not affect the safety and soundness of the institution, as determined by the US Treasury Secretary.</p> <p><b>1109(d)</b></p> <p>For financial institutions admitted under this section, provides the authority for the Department of the Treasury to issue regulations and guidance for terms concerning lender compensation, underwriting standards, interest rates, and maturity. Interest rates set under this authority may not exceed the maximum permissible rate of interest set on loans made under Section 1102 of the CARES Act.</p> <p>Requires that the Department of the Treasury ensure that the terms and conditions provided by this section are the same as the terms and conditions established for loans under Section 1102 of the CARES Act for borrower eligibility, maximum loan amount, allowable uses, fee waivers, deferment, guarantee percentage, and loan forgiveness.</p> <p><b>1109(e)</b></p>

		<p>Allows the Department of the Treasury to issue regulations and guidance as necessary, including for allowing additional lenders to originate loans and establishing terms and conditions, such as lender compensation, underwriting standards, interest rates, and maturity. The US Treasury Secretary is authorized to issue additional regulations and guidance as necessary to carry out the CARES Act.</p> <p><b>1109(f)</b></p> <p>Prohibits borrowers from applying for a loan under this section if they have a previously pending application for a 7(a) loan for the same purpose.</p> <p><b>1109(g)</b></p> <p>All 7(a) lenders can opt-in to participate in the PPP.</p> <p><b>1109(h)</b></p> <p>Establishes that the SBA will administer the program, including purchasing and guaranteeing loans, with guidance from the Department of the Treasury.</p>
<p><b>Sec. 1110</b></p>	<p>Emergency EIDL grants</p>	<p><b>1110(a) and (b)</b></p> <p>Expands eligibility for access to EIDLs to include Tribal businesses, cooperatives, and Employee Stock Ownership Plans (ESOP) with fewer than 500 employees or any individual operating as a sole proprietor or an independent contractor during the covered period (January 31, 2020 to December 31, 2020). Private non-profits and small agricultural cooperatives are also eligible for both grants and EIDLs.</p> <p><b>1110(c)</b></p> <p>Requires that for any EIDLs made in response to COVID-19 before December 31, 2020, the SBA shall waive (i) any personal guarantee on advances and loans below \$200,000, (ii) the requirement that an applicant needs to have been in business for the 1-year period before the disaster, and (iii) the credit-elsewhere requirement.</p> <p><b>1110(d)</b></p> <p>During the covered period, allows the SBA to approve and offer EIDLs based solely on an applicant's credit score, or use an appropriate alternative method for determining applicant's ability to repay.</p> <p><b>1110(e)</b></p>

		<p>Establishes an Emergency Grant to allow an eligible entity that has applied for an EIDL due to COVID-19 to request an advance on that loan, of not more than \$10,000, which the SBA must distribute within 3 days.</p> <p>Establishes that applicants shall not be required to repay advance payments, even if subsequently denied for an EIDL.</p> <p>In advance of disbursing the advance payment, the SBA must verify that the entity is an eligible applicant for an EIDL. This approval shall take the form of a certification under penalty of perjury by the applicant that they are eligible.</p> <p>Outlines that advance payment may be used for providing paid sick leave to employees, maintaining payroll, meeting increased costs to obtain materials, making rent or mortgage payments, and repaying obligations that cannot be met due to revenue losses.</p> <p>Requires that an advance payment be considered when determining loan forgiveness, if the applicant transfers into the PPP.</p> <p>Terminates the authority to carry out EIDL grants on December 30, 2020.</p> <p><b>1110(f)</b></p> <p>Establishes that an emergency involving Federal primary responsibility determined to exist by the President under Section 501(b) of the Stafford Disaster Relief and Emergency Assistance Act qualifies as a new trigger for EIDLs and, in such circumstances, the Administrator shall deem that each State or subdivision thereof has sufficient economic damage to small business concerns to qualify for assistance under this paragraph and the Administrator shall accept applications for such assistance immediately.</p> <p>Adds “emergency” explicitly into other existing EIDL trigger language under Section 7(b)(2) of the Small Business Act.</p>
<b>Sec. 1111</b>	Resources and services in languages other than English	Directs \$25 million for the SBA to offer resources and services in the 10 most commonly spoken languages, other than English.
<b>Sec. 1112</b>	Subsidy for certain loan payments	<p><b>1112(a)</b></p> <p>Defines a covered loan as an existing 7(a) loan (including under the Community Advantage Pilot Program), 504 loan, or microloan product. PPP loans are not covered.</p> <p><b>1112(b)</b></p> <p>Includes a sense of Congress that the SBA should encourage lenders to provide deferments and extend the maturity of covered loans in order to avoid balloon payments or any requirement for increases in debt payments resulting from deferments provided during the COVID-19 emergency.</p>

		<p><b>1112(c)</b></p> <p>Requires the SBA to pay the principal, interest, and any associated fees that are owed on covered loans made prior to the enactment of the CARES Act for a six-month period starting on the next payment due date. Loans made prior to the enactment of the CARES Act that are already on deferment will receive six months of payment by the SBA starting with the first payment after the deferral period. Loans made up until six months after enactment will also receive a full 6 months of loan payments by the SBA starting with the first payment due on the loan.</p> <p>The SBA must make payments no later than 30 days after the date on which the first payment is due. Requires the SBA to make payments even if the loan was sold on the secondary market.</p> <p><b>1112(d)</b></p> <p>The Administrator must:</p> <ul style="list-style-type: none"> <li>• Encourage the FDIC, Office of the Comptroller of the Currency (OCC), and state bank regulators to not require lenders to increase their reserves on account of receiving payments from the SBA in connection with loan servicing;</li> <li>• Waive statutory limits on maximum loan maturities for any covered loan durations where the lender provides a deferral and extends the maturity during the one-year period following enactment of the CARES Act; and</li> <li>• When necessary to provide more time because of the potential of higher volumes and travel restrictions due to COVID-19, extend lender site visit requirements to: <ul style="list-style-type: none"> <li>○ Up to 60 days (extendable to the SBA’s discretion) after the occurrence of an adverse event, other than payment default, causing a loan to be classified as in liquidation; and</li> <li>○ Up to 90 days after a payment default.</li> </ul> </li> </ul>
<p><b>Sec. 1113</b></p>	<p>Bankruptcy</p>	<p><b>1113(a)</b></p> <p>Amends the United State Bankruptcy Code to temporarily expand eligibility for businesses to access the streamlined chapter 11 process available to small business. Section 1182 is amended to, among other things, increase the debt limit threshold for filing a small business chapter 11 from \$2,724,625 to \$7,500,000 (debts owned to insiders and affiliates are excluded and at least 50% of the debt must come from the commercial or business activities of the debtor). The increase sunsets after one year, at which point the eligibility threshold returns to \$2,725,625.</p> <p><b>1113(b)</b></p>

		<p>Amends the definition of income in the Bankruptcy Code for chapters 7 and 13 to exclude COVID-19-related payments from the federal government from being treated as “income” for purposes of filing bankruptcy. Sunsets after one year.</p> <p>Clarifies that the calculation of disposable income for purposes of confirming a chapter 13 plan shall not include COVID-19-related payments. Sunsets after one year.</p> <p>Explicitly permits individuals and families currently in chapter 13 to seek payment plan modifications if they are experiencing a material financial hardship due to the COVID-19 pandemic, including extending their payments for up to seven years after their initial plan payment was due. Sunsets after one year.</p>
<b>Sec. 1114</b>	Emergency rulemaking authority	The SBA is required to establish regulations no later than 15 days after enactment of the CARES Act.
<b>TITLE II—ASSISTANCE FOR AMERICAN WORKERS, FAMILIES, AND BUSINESSES</b>		
<b>Subtitle A—Unemployment Insurance Provisions</b>		
<b>Sec. 2101</b>	Short title	Relief for Workers Affected by Coronavirus Act.
<b>Sec. 2102</b>	Pandemic Unemployment Assistance	Creates a temporary Pandemic Unemployment Assistance program through December 31, 2020 to provide payment to those individuals not traditionally eligible for unemployment benefits (self-employed, independent contractors, those with limited work history, and others) who are unable to work as a direct result of the coronavirus public health emergency.
<b>Sec. 2103</b>	Emergency unemployment relief for governmental entities and nonprofit organizations	Provides payment to states to reimburse nonprofits, government agencies, and Indian tribes for half of the costs they incur from March 13, 2020 through December 31, 2020 to pay unemployment benefits.
<b>Sec. 2104</b>	Emergency increase in unemployment compensation benefits	<p>Provides an additional \$600 per week payment to each recipient of unemployment insurance or Pandemic Unemployment Assistance until July 31, 2020.</p> <p>Also contains an antifraud provision which provides that individuals who receive Federal Pandemic Unemployment Compensation to which they are not entitled, as a result of their knowingly false or misleading statements, shall be subject to prosecution under 18 U.S.C. § 1001, ineligible for further Federal Pandemic Unemployment Compensation, and required to repay the amounts received.</p>

<b>Sec. 2105</b>	Temporary full Federal funding of the first week of compensable regular unemployment for States with no waiting week	Provides funding to pay the cost of the first week of unemployment benefits through December 31, 2020 for states that choose to pay recipients as soon as they become unemployed instead of waiting one week before the individual is eligible to receive benefits.
<b>Sec. 2106</b>	Emergency state staffing flexibility	Provides states with temporary, limited flexibility to hire temporary staff, re-hire former staff, or take other steps to quickly process unemployment claims.
<b>Sec. 2107</b>	Pandemic emergency unemployment compensation	Provides an additional 13 weeks of unemployment benefits through December 31, 2020 to help those who remain unemployed after weeks of state unemployment benefits are no longer available.
<b>Sec. 2108</b>	Temporary financing of short-time compensation payments in states with programs in law	Provides funding to support “short-time compensation” programs, where employers reduce employee hours instead of laying off workers and the employees with reduced hours receive a pro-rated unemployment benefit. Pays 100 percent of the costs states incur in providing short-time compensation programs through December 31, 2020. Individuals employed on a seasonal, temporary, or intermittent basis are not be eligible to receive pro-rated unemployment benefits.
<b>Sec. 2109</b>	Temporary financing of short-time compensation agreements	Provides funding to support states that begin “short-time compensation” programs. Pays 50 percent of the costs that a state incurs in providing short-time compensation through December 31, 2020. To qualify for this funding, states must enact short-time compensation programs that meet certain criteria set forth in this section, including requirements for employer contribution to short-time compensation programs.
<b>Sec. 2110</b>	Grants for short-time compensation programs	Provides \$100 million in grants to states that enact “short-time compensation” programs to help them implement and administer these programs.
<b>Sec. 2111</b>	Assistance and guidance in implementing programs	Requires the Department of Labor to disseminate model legislative language for states, provide technical assistance, and establish reporting requirements related to “short-time compensation” programs.
<b>Sec. 2112</b>	Waiver of the 7-day waiting period for benefits under the Railroad Unemployment Insurance Act	Temporarily eliminates the 7-day waiting period for railroad unemployment insurance benefits through December 31, 2020 (to make this program consistent with the change made in unemployment benefits for states through the same period in an earlier section of this subtitle).

<b>Sec. 2113</b>	Enhanced benefits under the Railroad Unemployment Insurance Act	Provides an additional \$600 per week payment to each recipient of railroad unemployment insurance or Pandemic Unemployment Assistance until July 31, 2020 (to make this program consistent with the change made in unemployment benefits for states in an earlier section of this subtitle).
<b>Sec. 2114</b>	Extended unemployment benefits under the Railroad Unemployment Insurance Act	Provides an additional 13 weeks of unemployment benefits through December 31, 2020 to help those who remain unemployed after weeks of regular unemployment benefits are no longer available (to make this program consistent with the change made in unemployment benefits for states in an earlier section of this subtitle).
<b>Sec. 2115</b>	Funding for the DOL Office of Inspector General for oversight of unemployment provisions	Provides the Department of Labor's Inspector General with \$25 million to carry out audits, investigations, and other oversight of the provisions of this subtitle.
<b>Sec. 2116</b>	Implementation	Gives the Secretary of Labor the ability to issue operating instructions or other guidance as necessary in order to implement this subtitle, as well as allows the Department of Labor to waive Paperwork Reduction Act requirements, speeding up their ability to gather necessary information from states.
<b>Subtitle B—Rebates and Other Individual Provisions</b>		
<b>Sec. 2201</b>	2020 recovery rebates for individuals	<p>All US residents who are not dependents of another taxpayer and have a work eligible social security number are eligible for a full \$1,200 (\$2,400 if married) tax rebate. In addition, they are eligible for an additional \$500 per child. This is true even for those who have no income, as well as those whose income comes entirely from non-taxable means-tested benefit programs, such as SSI benefits. The rebate is phased out for taxpayers with adjusted gross income in excess of \$75,000 (\$112,500 if head of household and \$150,000 if married).</p> <p>For the vast majority of Americans, no action on their part will be required in order to receive a rebate check as the IRS will use a taxpayer's 2019 tax return if filed, or in the alternative their 2018 return.</p>
<b>Sec. 2202</b>	Special rules for use of retirement funds	Provides relief from penalties and regulations related to withdrawals from retirement accounts. Waives the 10-percent early withdrawal penalty for distributions up to \$100,000 from qualified retirement accounts for coronavirus-related purposes made on or after January 1, 2020. In addition, income attributable to such distributions are subject to tax over three years, and the taxpayer may recontribute the funds to an eligible retirement plan within three years without regard to that year's cap on contributions. Further, provides flexibility for loans from certain retirement plans for coronavirus-related relief.

		A coronavirus-related distribution is one made to an individual: (1) who is diagnosed with COVID-19, (2) whose spouse or dependent is diagnosed with COVID-19, or (3) who experiences adverse financial consequences as a result of being quarantined, furloughed, laid off, having work hours reduced, being unable to work due to lack of child care due to COVID-19, closing or reducing hours of a business owned or operated by the individual due to COVID-19, or other factors as determined by the US Treasury Secretary.
<b>Sec. 2203</b>	Temporary waiver of required minimum distribution rules for certain retirement plans and accounts	Provides relief to individuals who would otherwise be required to withdraw funds from retirement accounts during the economic slowdown by waiving the required minimum distribution rules defined contribution plans and Individual Retirement Accounts (IRA) for calendar year 2020.
<b>Sec. 2204</b>	Allowance of partial above the line deduction for certain cash charitable contributions	Encourages Americans who do not itemize deductions to contribute to qualified charitable organizations by permitting them to deduct up to \$300 of charitable cash contributions from their income (in addition to the standard deduction) beginning this year, whether they itemize their deductions or not.
<b>Sec. 2205</b>	Modification of limitations on certain charitable contributions of cash and food inventory during 2020	Increases the limitations on deductions for certain cash charitable contributions made by individuals who itemize their deductions, as well as corporations. For individuals, the 60-percent of adjusted gross income limitation is suspended for 2020. For corporations, the 10-percent limitation is increased to 25 percent of taxable income. Also increases the limitation on deductions for contributions of food inventory from 15 percent to 25 percent.
<b>Sec. 2206</b>	Exclusion for certain employer payments of student loans	Enables employers to provide student loan repayment benefits to employees on a tax-free basis. Under the provision, an employer may contribute up to \$5,250 annually toward an employee's student loans, and such payment will be excluded from the employee's income. The \$5,250 cap applies to both the newly instituted student loan repayment benefit as well as other educational assistance (e.g., tuition, fees, books) provided by employers under pre-existing law.  Applies to any student loan payments made by an employer directly to an employee or to a lender on behalf of an employee after the date of enactment of the CARES Act and before January 1, 2021.
<b>Subtitle C—Business Provisions</b>		
<b>Sec. 2301</b>	Employee retention credit for employers subject to closure due to COVID-19	Provides a refundable payroll tax credit for 50 percent of wages paid by eligible employers to employees during the COVID-19 crisis. The credit is available to employers whose (1) operations were fully or partially suspended due to a COVID-19 related shutdown order, or (2) gross receipts in a given quarter declined by more than 50 percent when compared to the same quarter in the prior year.



		The credit is based on qualified wages paid to employees. For employers with greater than 100 full-time employees, qualified wages are wages paid to employees when they are not providing services due to the COVID-19-related circumstances described above. For employers with 100 or fewer full-time employees, all employee wages qualify for the credit, whether the employer is open for business or subject to a shut-down order. The credit covers the first \$10,000 of compensation per employee, including health benefits, with certain additional allowances for amounts paid by an employer to maintain a group health plan. The credit is provided for wages paid or incurred from March 12, 2020 through December 31, 2020.
<b>Sec. 2302</b>	Delay of payment of employer payroll taxes	Allows employers and self-employed individuals to defer payment of all (in the case of employers) or half (in the case of self-employed) the employer share of the Social Security tax they otherwise are responsible for paying to the federal government. Requires that the deferred employment tax be paid over the following two years, with half of the amount to be paid by December 31, 2021 and the other half by December 31, 2022. Further provides for appropriations from the Department of the Treasury to the Social Security Trust Funds to compensate for the deferrals.
<b>Sec. 2303</b>	Modifications for net operating losses	Relaxes the limitations on a company's use of Net Operating Losses ("NOL"). Under current law, NOL deductions are subject to a limitation based on taxable-income, and they cannot be carried back to reduce income in a prior tax year. Provides that NOLs arising in a tax year beginning in 2018, 2019, or 2020 can be carried back five years. Also temporarily removes existing taxable income limitations on NOL deductions to allow NOLs to offset a company's full income.
<b>Sec. 2304</b>	Modification of limitation on losses for taxpayers other than corporations	Modifies the limitations on business loss deductions applicable to pass-through businesses and sole proprietors, allowing them to utilize excess business losses as deductions for 2020 taxes.
<b>Sec. 2305</b>	Modification of credit for prior year minimum tax liability of corporations	Accelerates the ability of companies to recover those alternative maximum tax credits available on a longer timeline under pre-existing law, permitting companies to claim a refund now and obtain additional cash flow during the COVID-19 emergency.
<b>Sec. 2306</b>	Modifications of limitation on business interest	Temporarily increases the amount of interest expense businesses may deduct on their tax returns from 30-percent of taxable income to 50 percent (with adjustments) for 2019 and 2020.
<b>Sec. 2307</b>	Technical amendments regarding qualified improvement property	Enables businesses to depreciate costs associated with improving facilities on a shorter timeline than the 39-year life of the building under current law.

<b>Sec. 2308</b>	Temporary exception from excise tax for alcohol used to produce hand sanitizer	Waives the federal excise tax on any distilled spirits used for or contained in hand sanitizer that is produced and distributed in a manner consistent with guidance issued by the Food and Drug Administration. Effective for calendar year 2020.
<b>TITLE III—SUPPORTING AMERICA’S HEALTH CARE SYSTEM IN THE FIGHT AGAINST THE CORONAVIRUS</b>		
<b>Subtitle A—Health Provisions</b>		
<b>Sec. 3001</b>	Short title	Coronavirus Aid, Relief, and Economic Security Act.
<b>PART I—ADDRESSING SUPPLY SHORTAGES</b>		
<b>SUBPART A—MEDICAL PRODUCT SUPPLIES</b>		
<b>Sec. 3101</b>	National Academies report on America’s medical product supply chain security	Directs the National Academies to study the manufacturing supply chain of drugs and medical devices (in particular to assess the dependence of the US on critical drugs and devices manufactured abroad) and provide Congress with recommendations to strengthen the US manufacturing supply chain.
<b>Sec. 3102</b>	Requiring the strategic national stockpile to include certain types of medical supplies	Clarifies that the Strategic National Stockpile can stockpile medical supplies, such as personal protective equipment and diagnostic tests.
<b>Sec. 3103</b>	Treatment of respiratory protective devices as covered countermeasures	Provides manufacturers of respiratory protective equipment determined to be a priority for use during the COVID-19 emergency with a permanent liability protection.
<b>SUBPART B—MITIGATING EMERGENCY DRUG SHORTAGES</b>		
<b>Sec. 3111</b>	Prioritize reviews of drug applications; incentives	Requires the Secretary of Health and Human Services (“HHS”) to prioritize and expedite the review of drug applications and inspections to prevent or mitigate a drug shortage.

<b>Sec. 3112</b>	Additional manufacturer reporting requirements in response to drug shortages	<p>Requires drug manufacturers of drugs critical to the public health during a public emergency to notify the HHS of a permanent discontinuance or interruption in the manufacture of the drugs or in the manufacture of an active pharmaceutical ingredient. Drug manufacturers shall submit reasons for the discontinuation or interruption including information about active pharmaceutical ingredients, when active pharmaceutical ingredients are the cause of the interruption.</p> <p>Requires drug manufacturers to maintain contingency plans to ensure back up supply of products.</p> <p>Requires drug manufacturers to provide information about drug volume at the time a public health emergency is declared.</p>
<b>SUBPART C—PREVENTING MEDICAL DEVICE SHORTAGES</b>		
<b>Sec. 3121</b>	Discontinuance or interruption in the production of medical devices	<p>Clarifies that during a public health emergency, a medical device manufacturer that is critical to public health is required to submit information about a device shortage or discontinuation, or device component shortage or discontinuation at least six months prior to the date of interruption, or, if not possible, as soon as possible.</p> <p>The Secretary of the HHS shall distribute information about shortage to health care professionals, unless the Secretary determines that such disclosure would affect the public health such as by increasing unnecessary over-purchases.</p> <p>Requires the Secretary of HHS to prioritize and expedite the review of new devices if, based on such disclosures, the Secretary of HHS concludes that there is, or likely to be, a shortage.</p>
<b>PART II—ACCESS TO HEALTH CARE FOR COVID-19 PATIENTS</b>		
<b>SUBPART A—COVERAGE OF TESTING AND PREVENTIVE SERVICES</b>		
<b>Sec. 3201</b>	Coverage of diagnostic testing for COVID-19	Clarifies that all testing for COVID-19 is to be covered by private insurance plans without cost sharing, including those tests without an Emergency Use Authorization (EUA) by the Food and Drug Administration (“FDA”).
<b>Sec. 3202</b>	Pricing of diagnostic testing	For COVID-19 testing covered with no cost to patients, requires insurers to pay either the rate specified in a contract between the provider and the insurer, or, if there is no such contract, a cash price posted by the provider. Providers of diagnostic tests shall make public the cash price for such tests.

<b>Sec. 3203</b>	Rapid coverage of preventive services and vaccines for coronavirus	Provides free coverage without cost-sharing of any coronavirus preventive service that either has in effect a rating of “A” or “B” in the current recommendations of the United States Preventive Services Task Force or a recommendation from the Advisory Committee on Immunization Practices.
<b>SUBPART B—SUPPORT FOR HEALTH CARE PROVIDERS</b>		
<b>Sec. 3211</b>	Supplemental awards for health centers	Provides \$1.32 billion in supplemental funding to community health centers for detecting, preventing, diagnosing, and treating patients for COVID-19.
<b>Sec. 3212</b>	Telehealth network and telehealth resource centers grant programs	Authorizes the Health Resources and Services Administration (“HRSA”) to grant programs that promote the use of telehealth technologies for health care delivery, education, and health information services.
<b>Sec. 3213</b>	Rural health care services outreach, rural health network development, and small health care provider quality improvement grant programs	Authorizes the HRSA to grant programs to strengthen rural community health by focusing on quality improvement, increasing health care access, coordination of care, and integration of services.
<b>Sec. 3214</b>	United States Public Health Service Modernization	Ensures that a Ready Reserve Corps will be constituted and ready to provide assistance in time of public health emergency.
<b>Sec. 3215</b>	Limitation on liability for volunteer health care professionals during COVID-19 emergency response	Makes clear that health care professionals who provide volunteer medical services during the public health emergency related to COVID-19 have liability protections.
<b>Sec. 3216</b>	Flexibility for members of National Health Service Corps during emergency period	Allows the Secretary of the HHS to assign members of the National Health Service Corps to sites, with members’ agreement, determined necessary to respond to the COVID-19 public health emergency.
<b>SUBPART C—MISCELLANEOUS PROVISIONS</b>		
<b>Sec. 3221</b>	Confidentiality and disclosure of records relating to substance use disorder	Allows for additional care coordination by aligning the 42 CFR Part 2 regulations, which govern the confidentiality and sharing of substance use disorder treatment records, with Health Insurance Portability and Accountability Act (“HIPAA”), with initial patient consent.

<b>Sec. 3222</b>	Nutrition services	Allows state's agencies to grant home delivered meals to elderly individuals unable to obtain nutrition because of social distancing. Some nutrition requirements are waived during the COVID-19 public health emergency.
<b>Sec. 3223</b>	Continuity of service and opportunities for participants in community service activities under title V of the Older Americans Act of 1965	Allows the Secretary of Labor to extend older adults' participation in community service projects under the Older American Act and make administrative adjustments to facilitate their continued employment under the program.
<b>Sec. 3224</b>	Guidance on protected health information	Requires the HHS to issue guidance on what is allowed to be shared of patient record during the public health emergency related to COVID-19.
<b>Sec. 3225</b>	Reauthorization of healthy start program	Reauthorizes Healthy Start, a program that provides grants to initiatives to reduce the rate of infant mortality and poor perinatal outcomes.
<b>Sec. 3226</b>	Importance of the blood supply	Directs the Secretary of HHS to carry out an initiative to improve awareness of the importance and safety of blood donation and the continued need for blood donations during the COVID-19 public health emergency.
<b>PART III—INNOVATION</b>		
<b>Sec. 3301</b>	Removing the cap on OTA during public health emergencies	Allows the Biomedical Advanced Research and Development Authority ("BARDA") to more easily partner with private sector on research and development, which includes helping to scale up manufacturing as appropriate, by removing the requirement for the Assistant Secretary for Financial Resources at HHS to provide written approval of transactions under BARDA's other transaction agreement (OTA) authority in excess of \$100 million.
<b>Sec. 3302</b>	Priority zoonotic animal drugs	Provides breakthrough therapy designations to expedite the development of animal drugs that can prevent human diseases – i.e. expedite the development and review of drugs to treat animals to help prevent animal-to-human transmission, which is suspected to have occurred with the outbreak of the novel coronavirus.
<b>PART IV—HEALTH CARE WORKFORCE</b>		
<b>Sec. 3401</b>	Reauthorization of health professions workforce programs	Reauthorizes approximately \$23.7 million for each of fiscal years 2021 through 2025 for health professions workforce programs.

<b>Sec. 3402</b>	Health workforce coordination	Directs the Secretary of HHS to create a plan regarding healthcare workforce development programs, including steps to address gaps in education and training programs.
<b>Sec. 3403</b>	Education and training relating to geriatrics	<p>Authorizes the establishment of Geriatrics Workforce Enhancement Programs to support training of health professionals to meet the health care needs of certain populations, such as older individuals and those with chronic diseases, who could be at increased risk of contracting COVID-19.</p> <p>Reauthorizes and updates Title VII of the Public Health Service Act (“PHSA”), which pertains to programs to support clinician training and faculty development, including the training of practitioners in family medicine, general internal medicine, geriatrics, pediatrics, and other medical specialties.</p>
<b>Sec. 3404</b>	Nursing workforce development	<p>Reauthorizes and updates Title VIII of the PHSA, which pertains to nurse workforce training programs.</p> <p>Updates reporting requirements to include information on the extent to which Title VIII programs meet the goals and performance measures for such activities and the extent to which HHS coordinates with other Federal departments on related programs.</p> <p>Permits Nurse Corps loan repayment beneficiaries to serve at private institutions under certain circumstances.</p>
<b>Subtitle B—Education Provisions</b>		
<b>Sec. 3501</b>	Short title	COVID-19 Pandemic Education Relief Act of 2020.
<b>Sec. 3502</b>	Definitions	Sets definitions for terms “coronavirus,” “qualifying emergency,” “institution of higher education,” and “Secretary.”
<b>Sec. 3503</b>	Campus-based aid waivers	Waives the institutional matching requirement for campus-based aid programs. Allows institutions to transfer unused work-study funds to be used for supplemental grants.
<b>Sec. 3504</b>	Use of supplemental educational opportunity grants for emergency aid	Allows institutions to award additional Federal Supplemental Educational Opportunity Grant funds to students impacted by COVID-19.
<b>Sec. 3505</b>	Federal work-study during a qualifying emergency	Allows institutions to issue work-study payments to students who are unable to work due to work-place closures as a lump sum or in payments similar to paychecks.

<b>Sec. 3506</b>	Adjustment of subsidized loan usage limits	For students who dropped out of school as a result of COVID -19, excludes the term from counting toward lifetime subsidized loan eligibility.
<b>Sec. 3507</b>	Exclusion from Federal Pell Grant duration limit	For students who dropped out of school as a result of COVID -19, excludes the term from counting toward lifetime Pell eligibility.
<b>Sec. 3508</b>	Institutional refunds and Federal student loan flexibility	<p>Exempts students receiving financial assistance and who must withdraw from an institution of higher education during the payment period or period of enrollment as a result of COVID-19 from returning the amount of grant or loan assistance to the Secretary of Education, as would otherwise be required under 20 U.S.C. § 1090b. In addition, institutions are required to report certain data to the Secretary of Education in connection with such student withdrawals.</p> <p>Institutions may also provide students with an approved leave of absence that, if incurred as a result of COVID-19, does not require the student to return at the same point in the academic program that the student began the leave of absence if the student returns within the same semester.</p> <p>Directs the Secretary of Education to cancel a borrower's obligation to repay the entire portion of a loan made under the Direct Loan Program for a recipient of such loan who withdraws from an institution during the payment period as a result of COVID-19.</p>
<b>Sec. 3509</b>	Satisfactory academic progress	To the extent that a student must withdraw from school due to COVID-19, provides that such student's resulting grades or attempted credits would not affect his or her eligibility to continue to receive grants or loan assistance.
<b>Sec. 3510</b>	Continuing education at affected foreign institutions	Permits foreign institutions to offer distance learning to US students receiving grant or loan assistance throughout the duration of the COVID-19 declaration of disaster. The Secretary of Education must report periodically on foreign institutions approved to carry out such distance learning programs.
<b>Sec. 3511</b>	National emergency educational waivers	<p>Upon the request of a state educational agency or Native American tribe, allows the Secretary of Education to waive any statutory or regulatory provision from the Elementary and Secondary Education Act of 1965, except civil rights laws, to the extent necessary and appropriate in light of the COVID-19 declaration of disaster.</p> <p>Further outlines the procedures that a state educational agency or Native American tribe must follow to request such waiver.</p>
<b>Sec. 3512</b>	HBCU Capital Financing	Authorizes the Secretary of Education to defer payments on current Historically Black College and University ("HBCU") Capital Financing loans throughout the COVID-19 declaration of disaster so that HBCUs can devote financial resources to COVID-19

		efforts. The Secretary of Education must submit periodic reports identifying each institution that received assistance under Section 3512.
<b>Sec. 3513</b>	Temporary relief for federal student loan borrowers	<p>Requires the Secretary of Education to defer student loan payments, principal, and interest for six (6) months, through September 30, 2020, without penalty to the borrower for all federally owned loans.</p> <p>For purposes of reporting information about a federal student loan to consumer reporting agencies, the Secretary of Education must ensure that payments suspended pursuant to Section 3513 are not adversely reflected in a borrower's credit report.</p> <p>Throughout the period during which the Secretary of Education suspends payments on a loan, the Secretary of Education must also suspend all involuntary collection efforts related to such loan, including wage garnishment or tax refund reduction.</p>
<b>Sec. 3514</b>	Provisions related to the Corporation for National and Community Service	Provides participants serving in the National Service Corps programs with the educational award they were due to receive before their duties had been suspended or placed on hold during the COVID-19 declaration of disaster. Extends the age limits and the terms of service to allow individuals serving in national service programs to continue participating in programs after the COVID-19 declaration of disaster ends.
<b>Sec. 3515</b>	Workforce response activities	Provides local workforce boards with additional flexibility to use funds received under the Workforce Innovation and Opportunity Act for administrative costs, including for online resources. Allows Governors to utilize reserved workforce funds on rapid response activities in response to COVID-19.
<b>Sec. 3516</b>	Technical amendments	Makes technical edits to the FUTURE Act to improve implementation and aid student loan borrowers.
<b>Sec. 3517</b>	Waiver authority and reporting requirement for institutional aid	Authorizes the Secretary of Education to waive certain outcome requirements for FY2021 grant programs for HBCU and other Minority Serving Institutions.
<b>Sec. 3518</b>	Authorized uses and other modifications for grants	Authorizes the Secretary of Education to waive or modify current allowable uses of funds for institutional grant programs (TRIO/GEARUP/Title III/Title V/and sections of Title VII) so colleges can re-deploy resources and services to COVID-19 efforts. Permits institutions to request waivers from the Secretary of Education for financial matching requirements in competitive grant and other MSI grant programs in the Higher Education Act so colleges can devote institutional resources to COVID-19 efforts.
<b>Sec. 3519</b>	Service obligations for teachers	For teachers who could not finish their year of teaching service as a result of COVID-19, their partial year of service shall be counted as a full year of service toward TEACH grant obligations or Teacher Loan Forgiveness. Waives a requirement that



teachers must serve consecutive years of teaching service for Teacher Loan Forgiveness eligibility, if a teacher's service is not consecutive as a result of COVID-19.

**Subtitle C—Labor Provisions**

<b>Sec. 3601</b>	Limitation on paid leave	Creates a limitation stating that an employer shall not be required to pay more than \$200 per day and \$10,000 in the aggregate for each employee under this section.
<b>Sec. 3602</b>	Emergency Paid Sick Leave Act Limitation	Creates a limitation stating that an employer shall not be required to pay more than \$511 per day and \$5,110 in the aggregate for sick leave or more than \$200 per day and \$2,000 in the aggregate to care for a quarantined individual or child for each employee under this section.
<b>Sec. 3603</b>	Unemployment insurance	Provides that applications for unemployment compensation and assistance with the application process, to the extent practicable, should be accessible in at least two of the following ways: in person, by phone, or online.
<b>Sec. 3604</b>	OMB Waiver of Paid Family and Paid Sick Leave	Allows the Director of the Office of Management and Budget to exclude for good cause certain Executive Branch employees from the Paid Family Leave mandate.  Allows the Director of the Office of Management and Budget to exclude for good cause certain Executive Branch employees from the Paid Sick Leave mandate.
<b>Sec. 3605</b>	Paid leave for rehired employees	Allows an employee who was laid off by an employer March 1, 2020, or later to have access to paid family and medical leave in certain instances if they are rehired by the employer. The employee must have worked for the employer at least 30 of the last 60 calendar days prior to being laid off.
<b>Sec. 3606</b>	Advance refunding of credits	Allows employers to receive an advance tax credit from the Department of the Treasury instead of having to be reimbursed on the back end. Creates regulatory authority to implement the tax credit advances.
<b>Sec. 3607</b>	Expansion of DOL Authority to postpone certain deadlines	Amends Section 518 of the Employment Retirement Income Security Act ("ERISA") to provide the Department of Labor the ability to postpone certain ERISA filing deadlines for a period of up to one year in the case of a public health emergency declared by the Secretary of HHS.

<b>Sec. 3608</b>	Single-employer plan funding rules	Provides single employer pension plan companies with more time to meet their funding obligations by delaying the due date for any contribution otherwise due during 2020 until January 1, 2021. At that time, contributions due earlier would be due with interest. Also provides that a plan's status for benefit restrictions as of December 31, 2019, will apply throughout 2020.
<b>Sec. 3609</b>	Application of cooperative and small employer charity pension plan rules to certain charitable employers whose primary exempt purpose is providing services with respect to mothers and children	Amends the definition of Cooperative and Small Employer Charity Pension Plans ("CSEC") to provide that a pension plan will be a CSEC plan if, as of January 1, 2000, the plan was sponsored by an employer that (i) is exempt from taxation under Code section 501(c)(3), (ii) has been in existence since 1938, (iii) conducts medical research directly or indirectly through grant making, and (iv) has as its primary exempt purpose providing services with respect to mothers and children.  Effective for plan years beginning after December 31, 2018.
<b>Sec. 3610</b>	Federal contractor authority	Ensures that federal contractors who cannot perform work at their duty-station or telework because of the nature of their jobs due to COVID-19, continue to get paid.
<b>Sec. 3611</b>	Technical corrections	Incorporates technical corrections.
<b>Subtitle D—Finance Committee</b>		
<b>Sec. 3701</b>	Exemption for telehealth services	Allows a high-deductible health plan ("HDHP") with a health savings account ("HAS") to cover telehealth services prior to a patient reaching the deductible.
<b>Sec. 3702</b>	Inclusion of certain over-the-counter medical products as qualified medical expenses	Allows patients to use funds in HSAs and Flexible Spending Arrangements for the purchase of over-the-counter medical products, including menstrual care products.
<b>Sec. 3703</b>	Increasing Medicare telehealth flexibilities during emergency period	Eliminates the requirement in Coronavirus Preparedness and Response Supplemental Appropriations Act of 2020 (Public Law 116-123) that limits the Medicare telehealth expansion authority during the COVID-19 emergency period to situations where the physician or other professional has treated the patient in the past three years.
<b>Sec. 3704</b>	Enhancing Medicare telehealth services for Federally qualified health centers and rural health clinics during emergency period	Allows the Secretary of the HHS, during public health emergency period, to pay for telehealth services furnished by Federally Qualified Health Centers and Rural Health Clinics to serve as a distant site for telehealth consultations. Medicare will reimburse for these telehealth services based on payment rates similar to the national average payment rates for comparable telehealth services under the Medicare Physician Fee Schedule.

<b>Sec. 3705</b>	Temporary waiver of requirement for face-to-face visits between home dialysis patients and physicians	Eliminates a requirement during the public health emergency period that a nephrologist conduct some of the required periodic evaluations of a patient on home dialysis face-to-face.
<b>Sec. 3706</b>	Use of telehealth to conduct face-to-face encounter prior to recertification of eligibility for hospice care during emergency period	Allows, during the public health emergency period, qualified providers to use telehealth technologies in order to fulfill the hospice face-to-face recertification requirement.
<b>Sec. 3707</b>	Encouraging use of telecommunications systems for home health services furnished during emergency period	Requires the HHS to issue clarifying guidance encouraging the use of telecommunications systems, including remote patient monitoring, to furnish home health services consistent with the beneficiary care plan during a public health emergency period.
<b>Sec. 3708</b>	Improving care planning for Medicare home health services	Allows physician assistants, nurse practitioners, and other professionals to order home health services for beneficiaries.
<b>Sec. 3709</b>	Adjustment of sequestration	Allows temporary suspension of Medicare sequestration, which reduces payments to providers by 2 percent, from May 1, 2020 to December 31, 2020. The Medicare sequester is extended by one-year beyond current law.
<b>Sec. 3710</b>	Medicare hospital inpatient prospective payment system add-on payment for COVID-19 patients during emergency period	Increases the payment that would otherwise be made to a hospital for treating a patient admitted with COVID-19 by 20 percent. This add-on payment is available through the duration of the COVID-19 emergency period.
<b>Sec. 3711</b>	Increasing access to post-acute care during emergency period	Provides acute care hospitals flexibility, during the COVID-19 emergency period, to transfer patients out of their facilities and into alternative care settings in order to prioritize resources needed to treat COVID-19 cases. Specifically, waives the Inpatient Rehabilitation Facility (IRF) 3-hour rule, which requires that a beneficiary be expected to participate in at least 3 hours of intensive rehabilitation at least 5 days per week to be admitted to an IRF. Also temporarily pauses the current LTCH site-neutral payment methodology.
<b>Sec. 3712</b>	Revising payment rates for durable medical equipment under the	Allows the Secretary of HHS to apply the transition rule to applicable items and services furnished in rural and noncontiguous areas through the duration of the COVID-19 emergency period.

	Medicare program through duration of emergency period	
<b>Sec. 3713</b>	Coverage of the COVID-19 vaccine under part B of the Medicare program without any cost-sharing	Enables beneficiaries to receive a COVID-19 vaccine in Medicare Part B with no cost-sharing.
<b>Sec. 3714</b>	Requiring Medicare prescription drug plans and MA–PD plans to allow during the COVID-19 emergency period for fills and refills of covered part D drugs for up to a 3-month supply	Requires that Medicare Part D plans provide up to a 90-day supply of a prescription medication if requested by a beneficiary during the COVID-19 emergency period.
<b>Sec. 3715</b>	Providing home and community-based services in acute care hospitals	Allows state Medicaid programs to pay for direct support professionals, caregivers trained to help with activities of daily living, to assist disabled individuals in acute care hospitals.
<b>Sec. 3716</b>	Clarification regarding uninsured individuals	Clarifies a section of the Families First Coronavirus Response Act of 2020 (Public Law 116-127) by ensuring that uninsured individuals can receive a COVID-19 test and related service with no cost-sharing in any state Medicaid program that elects to offer such enrollment option.
<b>Sec. 3717</b>	Clarification regarding coverage of COVID-19 testing products	Clarifies a section of the Families First Coronavirus Response Act of 2020 (Public Law 116-127) by ensuring that beneficiaries can receive all tests for COVID-19 in Medicare Part B with no cost-sharing.
<b>Sec. 3718</b>	Amendments relating to reporting requirements with respect to clinical diagnostic laboratory tests	Prevents scheduled reductions in Medicare payments for clinical diagnostic laboratory tests furnished to beneficiaries in 2021. Also delays by one year the upcoming reporting period during which laboratories are required to report private payer data.
<b>Sec. 3719</b>	Expansion of the Medicare hospital accelerated payment program during the COVID-19 public health emergency	Expands, for the duration of the COVID-19 emergency period, an existing Medicare accelerated payment program to more hospitals, especially critical access hospitals and those in rural and frontier areas.  Qualified facilities will be able to request up to a six month advanced lump sum or periodic payment. This advanced payment will be based on net reimbursement represented by unbilled discharges or unpaid bills.

		A qualifying hospital will not be required to start paying down the loan for four months, and will also have at least 12 months to complete repayment without a requirement to pay interest.
<b>Sec. 3720</b>	Delaying requirements for enhanced FMAP to enable State legislation necessary for compliance	Amends a section of the Families First Coronavirus Response Act of 2020 (Public Law 116-127) to ensure that states are able to receive the Medicaid 6.2 percent Federal medical assistance percentage increase.
<b>Subtitle E—Health and Human Services Extenders</b>		
<b>PART I—MEDICARE PROVISIONS</b>		
<b>Sec. 3801</b>	Extension of the work geographic index floor under the Medicare program	Increases payments for the work component of physician fees in areas where labor cost is determined to be lower than the national average through December 1, 2020.
<b>Sec. 3802</b>	Extension of funding for quality measure endorsement, input, and selection	Provides funding for HHS to contract with a consensus-based entity, e.g., the National Quality Forum (“NQF”), to carry out duties related to quality measurement and performance improvement through November 30, 2020.
<b>Sec. 3803</b>	Extension of funding outreach and assistance for low-income programs	Extends funding for beneficiary outreach and counseling related to low-income programs through November 30, 2020.
<b>PART II—MEDICAID PROVISIONS</b>		
<b>Sec. 3811</b>	Extension of the Money Follows the Person rebalancing demonstration program	Extends through November 30, 2020 the Medicaid Money Follows the Person rebalancing demonstration that helps patients transition from the institutional, long-term nursing homes to a home and community-based setting.
<b>Sec. 3812</b>	Extension of spousal impoverishment protections	Extends the Medicaid spousal impoverishment protections program through November 30, 2020. The spousal impoverishment protections protect a minimum amount of a non-applicant spouse’s income, whose applicant spouse qualifies to live in nursing home.
<b>Sec. 3813</b>	Delay of DSH reductions	Delays scheduled reductions in Medicaid disproportionate share hospital payments through November 30, 2020.

<b>Sec. 3814</b>	Extension and expansion of Community Mental Health Services demonstration program	Extends through November 2020 the Medicaid Community Mental Health Services demonstration that provides coordinated care to patients with mental health and substance use disorders. Also expands the demonstration to two additional states.
<b>PART III—HUMAN SERVICES AND OTHER HEALTH PROGRAMS</b>		
<b>Sec. 3821</b>	Extension of sexual risk avoidance education program	Extends the Sexual Risk Avoidance Education (“SRAE”) program through November 30, 2020 at current funding levels. This program provides funds to states to provide education exclusively focused on sexual risk avoidance (meaning voluntarily refraining from sexual activity).
<b>Sec. 3822</b>	Extension of personal responsibility education program	Extends the Personal Responsibility Education Program (“PREP”) through November 30, 2020 at current funding levels. PREP provides states, community groups, tribes, and tribal organizations with grants to implement evidence-based, or evidence-informed, innovative strategies for teen pregnancy and HIV/STD prevention, youth development, and adulthood preparation for young people.
<b>Sec. 3823</b>	Extension of demonstration projects to address health professions workforce needs	Extends the Health Professions Opportunity Grants (“HPOG”) program through November 30, 2020 at current funding levels. This program provides funding to help low-income individuals obtain education and training in high-demand, well-paid, health care jobs.
<b>Sec. 3824</b>	Extension of the temporary assistance for needy families program and related programs	Extends TANF and related programs through November 30, 2020.
<b>PART IV—PUBLIC HEALTH PROVISIONS</b>		
<b>Sec. 3831</b>	Extension for community health centers, the National Health Service Corps, and teaching health centers that operate GME programs	Extends mandatory funding for community health centers, the National Health Service Corps, and the Teaching Health Center Graduate Medical Education Program at current levels through November 30, 2020.
<b>Sec. 3832</b>	Diabetes programs	Extends mandatory funding for the Special Diabetes Program for Type I Diabetes and the Special Diabetes Program for Native Americans at current levels through November 30, 2020.

<b>PART V—MISCELLANEOUS PROVISIONS</b>		
<b>Sec. 3841</b>	Prevention of duplicate appropriations for fiscal year 2020	Provides that the funding source for the amendments made by this title are charged to applicable appropriation.
<b>Subtitle F—Over-the-Counter Drugs</b>		
<b>PART I—OTC DRUG REVIEW</b>		
<b>Sec. 3851</b>	Regulation of certain nonprescription drugs that are marketed without an approved drug application	Modifies the regulatory process for over-the-counter (“OTC”) drug monographs by allowing the FDA to approve changes concerning OTC drugs administratively, rather than going through a full notice and comment rulemaking. The Comptroller General of the United States will provide a report to the House and Senate no later than 4 years after the date of enactment of the CARES Act. The report will include the impact of the 18-month market-exclusivity on consumer access.
<b>Sec. 3852</b>	Misbranding	Clarifies that an OTC drug that does not comply with the monograph requirements in Section 3851 is misbranded.
<b>Sec. 3853</b>	Drugs excluded from the over-the-counter drug review	Clarifies that nothing in this bill will apply to drugs previously excluded by the FDA from the Over-the-Counter Drug Review under a specified Federal Register document
<b>Sec. 3854</b>	Treatment of Sunscreen Innovation Act	Clarifies that sponsors of sunscreen ingredients with pending orders have the option to seek review in accordance with the Sunscreen Innovation Act or to transition into the review under the new monograph review process of Section 3851.
<b>Sec. 3855</b>	Annual update to Congress on appropriate pediatric indication for certain OTC cough and cold drugs	Requires an annual update to Congress regarding the FDA’s progress in evaluating certain pediatric indications for certain cough and cold monograph drugs for children under age six.
<b>Sec. 3856</b>	Technical corrections	Makes technical corrections to the Food and Drug Administration Reauthorization Act of 2017 and existing law.
<b>PART II—USER FEES</b>		
<b>Sec. 3861</b>	Finding	Declares that the fees paid pursuant to this part will be dedicated to FDA review of OTC monograph drugs.

<b>Sec. 3862</b>	Fees relating to over-the-counter drugs	Establishes a new FDA user fee for OTC drugs, designed to allow the agency to hire additional staff members to ensure there is adequate agency oversight to approve changes to OTC drugs. Provides over 18 months of exclusivity for certain OTC drugs.
<b>TITLE IV—ECONOMIC STABILIZATION AND ASSISTANCE TO SEVERELY DISTRESSED SECTORS OF THE UNITED STATES ECONOMY</b>		
<b>Subtitle A—Coronavirus Economic Stabilization Act of 2020</b>		
<b>Sec. 4001</b>	Short title	Coronavirus Economic Stabilization Act of 2020.
<b>Sec. 4002</b>	Definitions	Among other definitions, the key definition is “Eligible business” which means, in addition to air carrier, a US business that has not otherwise received adequate economic relief in the form of loans or loan guarantees under the CARES Act.
<b>Sec. 4003</b>	Emergency relief and taxpayer protections	<p>Provides two buckets of relief: (1) a smaller authorization for specific industries under subsections (b)(1) – (3); and (2) a larger authorization under subsection (4).</p> <p><b>Authorization under Subsections (b)(1)–(3)</b></p> <ul style="list-style-type: none"> <li>• Specific lending and guarantees by the Department of the Treasury: <ul style="list-style-type: none"> <li>○ Up to \$25 billion for loans and loan guarantees to (a) passenger air carriers, (b) eligible businesses certified under 14 CFR 145 and approved to perform inspection, repair, replace or overhaul services (i.e., certified repair stations) and (c) ticket agents as defined in 49 USC 40102(45).</li> <li>○ Up to \$4 billion for loans and loan guarantees for cargo air carriers.</li> <li>○ Up to \$17 billion for loans and loan guarantees for businesses critical for national security</li> </ul> </li> <li>• Loans and loan guarantees may be made for the above specific lending/guarantee programs when the US Treasury Secretary determines that: <ul style="list-style-type: none"> <li>○ <u>Eligible</u>. The applicant is an eligible business, and alternative financing is not reasonably available to the business;</li> <li>○ <u>Prudent</u>. The intended obligation is prudently incurred;</li> </ul> </li> </ul>



- Secured/interest rate. The loan or guarantee is sufficiently secured or made at an interest rate that reflects the risk of the loan and, to the extent practicable, not less than an interest rate based on market conditions for comparable obligations before the COVID-19 outbreak;
- Short-term. The duration of the loan or guarantee shall be as short as possible and shall not exceed 5 years;
- Buybacks and distributions. Borrowers and their affiliates cannot engage in stock buybacks (an equity security of the eligible business or any parent company listed on a national stock exchange) until one year after the date that the loan is no longer outstanding, unless contractually obligated (as of the date of enactment of the CARES Act), or pay dividends or other capital distributions with respect to the common stock of the business until one year after the loan or loan guarantee is no longer outstanding;
- Employee retention. Borrowers must, until September 30, 2020, maintain their employment levels as of March 24, 2020, to the extent practicable, and retain no less than 90 percent of their employees as of that date;
- US businesses. A borrower must certify that it is created/organized in the US, has significant operations in the US, and a majority of its employees are located in the US; and
- COVID-19. The borrower's operations are jeopardized by losses related to the coronavirus pandemic.
- The US Treasury Secretary shall publish procedures for applications and minimum requirements for such loans and loan guarantees within 10 days after enactment of the CARES Act.
- The US Treasury Secretary may issue a loan or loan guarantee for an eligible business only if it receives a warrant or senior debt instrument of the eligible business.
  - If the eligible business has securities that are traded on a national securities exchange, the US Treasury Secretary shall receive a warrant or equity interest in the eligible business (or a senior debt instrument upon a determination that the eligible business cannot feasibly issue warrants or other equity interests).
  - If the eligible business does *not* have securities that are traded on a national securities exchange, the US Treasury Secretary shall receive, in its discretion, a warrant or equity interest in the eligible business or a senior debt instrument issued by the eligible business.
  - The warrant or debt grant will be on terms set by the US Treasury Secretary. The US Treasury Secretary may sell, exercise or surrender any such instrument, and shall not exercise voting power with respect to any shares of common stock that may be acquired.

**Authorization Under Subsection (b)(4)**

- The US Treasury Secretary may make available \$454 billion (and any of the above amounts not used for loans and loan guarantees) to any other investments in programs or facilities established by the Federal Reserve to provide liquidity to the financial system that supports lending to eligible businesses, states or municipalities by:
  - Purchasing obligations or other interests directly from issuers (primary market)
  - Purchasing obligations or other interests in secondary markets or otherwise; or
  - Making direct, bilateral loans, including loans or other advances secured by collateral (direct loans):
    - Direct loans do *not* include loans that are part of a syndicated loan, a loan originated by a financial institution, or a securities or capital markets transaction.
- The US Treasury Secretary can make direct loans to eligible businesses under this authority, only if the eligible businesses agree to the following (the “(b)(4) program restrictions”):
  - Not engage in stock buybacks (of an equity security of the eligible business or any parent company listed on a national stock exchange) until one year after the loan is no longer outstanding, unless contractually obligated (as of the date of enactment of the CARES Act), or pay dividends or other capital distributions with respect to the common stock of the business until one year after the loan or loan guarantee is no longer outstanding.
  - Other conditions include: Agree to employee compensation limitations in Sec. 4004, which limits employee compensation during the term of the loan or guarantee and one year thereafter as follows:
    - No officer or employee with over \$425,000 in total compensation in 2019 (other than in connection with a collective bargaining arrangement) will receive (A) total compensation in any 12 month consecutive period which exceeds 2019 total compensation or (B) severance pay and other benefits on termination of employment exceeding 2 times 2019 maximum total compensation.
    - No officer or employee with over \$3 million in total compensation in calendar 2019 may receive during any 12 consecutive months total compensation in excess of the sum of (A) \$3 million and (B) 50% of the amount of total compensation in excess of \$3 million received in 2019.
    - “Total compensation” includes salary, bonuses, awards of stock, and other financial benefits provided by an eligible business to an officer or employee of the eligible business.

- The US Treasury Secretary can waive these requirements upon a determination that it is necessary to protect the interests of the Federal Government, and must thereafter testify to the Congressional banking/financial services committees about the waiver.
- The US Treasury Secretary must seek to establish a Mid-Size Business program or facility:
  - Program will provide funding to banks and other lenders to make direct loans to eligible businesses with 500 to 10,000 employees.
  - US Treasury Secretary may make direct loans that are subject to an annualized interest rate of no more than 2% per year, and may determine that for the first 6 months no principal or interest shall be due and payable.
  - Applicants must make good-faith certification that:
    - The loan is necessary to support ongoing operations of the recipient due to uncertainty of economic conditions as of the date of the application;
    - The recipient will use the funds to retain at least 90% of its workforce at full compensation and benefits until Sept. 30, 2020;
    - The recipient intends to restore at least 90% of its workforce that existed as of February 1, 2020 and to restore all compensation and benefits to its workers no later than 4 months after the termination date of the COVID-19 public health emergency (as declared by Secretary of HHS);
    - The recipient meets the US business test;
    - The recipient is not a debtor in a bankruptcy proceeding;
    - The recipient will not pay dividends of common stock while the direct loan is outstanding;
    - The recipient will not engage in buybacks while the direct loan is outstanding (except as required under contractual obligations as of the date of the enactment of the CARES Act);
    - The recipient will not outsource or offshore jobs for the term of the loan and 2 years after completing repayment;
    - The recipient will not abrogate existing collective bargaining agreements for the term of the loan and 2 years after completing repayment; and

		<ul style="list-style-type: none"> <li>▪ The recipient will remain neutral in any union organizing effort for the term of the loan.</li> <li>▪ (Due to the circumstances under which the bill was drafted, it is currently unclear whether all of the (b)(4) program restrictions apply for purposes of the mid-size business facility/program. Such restrictions subject to ambiguity include the compensation restrictions noted above. In addition, the precise period during which buybacks and dividends are restricted is also unclear (the period while a loan is outstanding or, in addition, a 12-month period after the loan is outstanding)).</li> </ul> <ul style="list-style-type: none"> <li>• Authority (but no requirement) for Federal Reserve to establish a “Main Street Lending Program” under its Section 13(3) Federal Reserve Act emergency powers.</li> <li>• The US Treasury Secretary shall seek to implement a facility under Section 4003(b)(4) to provide liquidity to the financial system that supports lending to state and municipalities.</li> </ul> <p><b>Other elements</b></p> <ul style="list-style-type: none"> <li>• No loan forgiveness is permitted for any eligible business, state, or municipality (under either authority above (i.e., under the specific (smaller) authorization or the larger authorization)</li> <li>• Facilities under the large authorization (section 4003(b)(4)) authority must still comply with requirements under FRA 13(3) (solvent borrowers, loan collateralization, taxpayer protections)</li> <li>• The US Treasury Secretary may establish vehicles to purchase, hold, sell assets and issue obligations</li> <li>• The US Treasury Secretary may issue regulations and guidance to carry out these provisions</li> <li>• The US Treasury Secretary may designate financial institutions, including depositories, brokers, dealers, and other institutions, as financial agents of the United States.</li> <li>• Loans made or guaranteed under section 4003(b) shall be treated as indebtedness for purposes of the Internal Revenue Code and shall be treated as issued for their stated principal amount. Stated interest on such loans shall be treated as qualified stated interest.</li> </ul>
<b>Sec. 4004</b>	Limitation on certain employee compensation	Prohibits recipients of any direct lending authorized by the CARES Act from increasing the compensation of any officer or employee whose total compensation exceeds \$425,000, or from offering such employees severance pay or other benefits upon termination of employment which exceeds twice the maximum total annual compensation received by that employee, until one

		year after the loan is no longer outstanding. Officers or employees making over \$3 million last year are also prohibited from earning more than \$3 million plus fifty percent of the amount their compensation last year that exceeded \$3 million.
<b>Sec. 4005</b>	Continuation of certain air service	Authorizes the Secretary of Transportation to require air carriers receiving loans under the CARES Act to maintain scheduled air transportation service where deemed necessary by the Secretary of Transportation. When considering whether to exercise this authority, the Secretary of Transportation must take into consideration the air transportation needs of small and remote communities, well-functioning health care supply chains, and pharmaceutical supply chains. This authority expires on March 1, 2022.
<b>Sec. 4006</b>	Coordination with Secretary of Transportation	Requires the US Treasury Secretary to coordinate with the Secretary of Transportation in implementing the CARES Act with respect to air carriers.
<b>Sec. 4007</b>	Suspension of certain aviation excise taxes	Temporarily repeals Federal Excise Taxes collected in relation to commercial aviation. Excise taxes are applied to the transportation of persons (i.e., ticket tax), the transportation of property (i.e., cargo tax), and aviation fuel. This provision expires before January 1, 2021.
<b>Sec. 4008</b>	Debt guarantee authority	FDIC is authorized to establish a debt guarantee program to guarantee obligations of solvent insured depository institutions and depository institution holding companies and affiliates thereof (an approach used under the Dodd-Frank Act). Any such program and guarantee must terminate by December 31, 2020. The Dodd-Frank Act language is amended to provide that guarantee of deposits held by insured depository institutions in noninterest-bearing transaction accounts may be treated as a debt guarantee program.  NCUA is authorized to temporarily increase, in unlimited amount, share insurance coverage for noninterest-bearing transaction accounts in any federally insured credit union, until not later than December 31, 2020.
<b>Sec. 4009</b>	Temporary Government in the Sunshine Act relief	The Federal Reserve Board is permitted to conduct meetings without regard to the Government in the Sunshine Act if the Chairman determines that the requisite “unusual and exigent circumstances” exist. This authority terminates upon the earlier of (i) the end of the national emergency as declared by the President or (ii) December 31, 2020.
<b>Sec. 4010</b>	Temporary hiring flexibility	The Department of Housing and Urban Development (HUD), the US Securities and Exchange Commission (SEC), and the Commodity Futures Trading Commission (CFTC) are granted additional hiring flexibility upon a determination by the respective agency head that an expedited recruitment process is necessary and appropriate to respond to COVID-19. This authority terminates upon the earlier of (i) the end of the national emergency as declared by the President or (ii) December 31, 2020.

<b>Sec. 4011</b>	Temporary lending limit waiver	Amends the lending limit under the National Bank Act by creating an exception for approved loans and extensions of credit by a bank to any nonbank financial company (as defined in 12 USC 5311). In addition, the OCC is granted the temporary authority to issue orders exempting any transaction from the lending limits. The changes made by this section, and orders granted under this section, terminate upon the earlier of (i) the end of the national emergency as declared by the President or (ii) December 31, 2020.
<b>Sec. 4012</b>	Temporary relief for community banks	The federal banking agencies must issue an interim rule to reduce the Community Bank Leverage Ratio (CBLR) for qualifying community banks from 9% to 8% and to provide for a reasonable grace period if a community bank's CBLR falls below the 8% requirement. The interim rule will expire upon the earlier of (i) the end of the national emergency as declared by the President or (ii) December 31, 2020.
<b>Sec. 4013</b>	Temporary relief from troubled debt restructurings	Provides temporary relief from banking regulations related to loan modifications. A financial institution may elect to suspend requirements under US Generally Accepted Accounting Principles for loan modifications related to the pandemic that would otherwise be categorized as a troubled debt restructuring, and suspend any such determination regarding loans modified as a result of the effects of the coronavirus, including impairment for accounting purposes. Federal banking agencies and the NCUA must defer to a financial institution's determination to make a suspension. The determination will apply for the term of the loan modification for a loan that was not more than 30 days past due as of December 31, 2019. Such election may begin on March 1, 2020 and last no later than the earlier of December 31, 2020, or 60 days after the lifting of the coronavirus national health emergency.
<b>Sec. 4014</b>	Optional temporary relief from current expected credit losses	Provides temporary relief from the CECL accounting standards to insured depository institutions, bank holding companies, and their affiliates until the earlier of: December 31, 2020, or until the COVID-19 national emergency terminates.
<b>Sec. 4015</b>	Non-applicability of restrictions on ESF during national emergency	<p>Suspends the applicability of Section 131 of the Emergency Economic Stabilization Act of 2008 (12 USC 5236), which prohibits the US Treasury Secretary from establishing any future guaranty programs for the US money market mutual fund industry, from the date of the CARES Act's enactment until December 31, 2020.</p> <p>Any guarantee established as a result of this suspension must:</p> <ul style="list-style-type: none"> <li>• Be limited to a guarantee of the total value of a shareholder's account in a participating fund as of the close of business the day before the announcement of guarantee; and</li> <li>• Terminate no later than December 31, 2020.</li> </ul>

<b>Sec. 4016</b>	Temporary credit union provisions	Expands access to the Central Liquidity Facility (CLF) for credit unions, including for corporate credit unions, to meet liquidity needs. The NCUA Board is granted additional authority to borrow to make funds available to meet liquidity needs through the CLF. The changes will remain in effect until December 31, 2020.
<b>Sec. 4017</b>	Increasing access to materials necessary for national security and pandemic recovery	Waives for a two-year period the requirement for a separate act of Congress to authorize certain projects exceeding \$50 million and the requirement that any amounts unused in the Defense Production Act Fund at the end of the fiscal year that exceed \$750 million be swept and returned to the Department of the Treasury's General Fund. Also waives for one year following enactment the requirement for a 30-day layover after Presidential notification to Congress before a project may start and the requirement that Congress separately authorize certain projects exceeding \$50 million in aggregate cost.
<b>Sec. 4018</b>	Special inspector general for pandemic recovery	Establishes within the Department of the Treasury, the Office of the Special Inspector General for Pandemic Recovery. The Special Inspector General shall be appointed by the President, upon the advice and consent of the Senate, and shall conduct, supervise, and coordinate audits and investigations of the making, purchase, management, and sale of loans, loan guarantees, and other investments made by the US Treasury Secretary under the CARES Act. The Special Inspector General shall keep Congress informed through quarterly reports that provide the details of all such loans, loan guarantees, or other investments.
<b>Sec. 4019</b>	Conflicts of interest	Any company in which the President, Vice President, an executive department head, Member of Congress, or any of such individual's spouse, child, son-in-law, or daughter-in-law, own over 20 percent of the outstanding voting stock shall not be eligible for loans, loan guarantees, or other investments provided under section 4003.
<b>Sec. 4020</b>	Congressional Oversight Commission	<p>Establishes a Congressional Oversight Commission charged with oversight of the implementation of this subtitle by the Department of the Treasury and the Board of Governors of the Federal Reserve System, including efforts of the Department and the Board to provide economic stability as a result of coronavirus. The Oversight Commission shall consist of 5 members as follows:</p> <ul style="list-style-type: none"> <li>• 1 member appointed by the Speaker of the House of Representatives;</li> <li>• 1 member appointed by the House Majority Leader;</li> <li>• 1 member appointed by the Senate Majority Leader;</li> <li>• 1 member appointed by the Senate Minority Leader;</li> <li>• 1 member appointed by the Speaker of the House and Senate Majority Leader, after consultation with the Senate Minority Leader and House Minority Leader.</li> </ul>

		<p>The Panel may hold hearings and take testimony and it may secure from any federal department or agency information it deems necessary to carry out its responsibilities. The Panel is required to submit reports to Congress every 30 days specifying:</p> <ol style="list-style-type: none"> <li>(1) The impact of purchases made under the CARES Act on the financial well-being of the people of the United States, financial markets, and financial institutions;</li> <li>(2) The extent to which the information made available on transactions under the CARES Act has contributed to market transparency; and</li> <li>(3) The effectiveness of loans, loan guarantees, and investments made under the CARES Act of minimizing long-term costs to the taxpayer and maximizing the benefits for taxpayers.</li> </ol> <p>The Oversight Commission shall terminate on September 30, 2025.</p>
<b>Sec. 4021</b>	Credit protection during COVID-19	<p>Amends the Fair Credit Reporting Act and requires that furnishers of credit information, who agree to account forbearance, or agree to modified payments with respect to an obligation or account of a consumer that has been impacted by COVID-19, report such obligation or account as “current” or as the status reported prior to the accommodation during the period of accommodation unless the consumer becomes current. Applies only to accounts for which the consumer has fulfilled requirements pursuant to the forbearance or modified payment agreement.</p> <p>Credit protection is available beginning January 31, 2020, and ends at the later of 120 days after enactment or 120 days after the date the national emergency declaration related to COVID-19 is terminated.</p>
<b>Sec. 4022</b>	Foreclosure moratorium and consumer right to request forbearance	<p>Prohibits judicial or non-judicial foreclosures on all federally-backed mortgage loans for not less than a 60-day period beginning on March 18, 2020.</p> <p>Provides up to 180 days (extended for another period of up to 180 days upon request by the borrower) of forbearance for borrowers of a federally-backed mortgage loan who have experienced a financial hardship due, directly or indirectly, to the COVID-19 emergency. Covered mortgages include those purchased by Fannie Mae and Freddie Mac, insured by HUD, VA, or USDA, or directly made by USDA.</p> <p>Outlines procedures that servicers of federally-backed mortgage loans must follow upon receipt of a borrower’s request for forbearance.</p>
<b>Sec. 4023</b>	Forbearance of residential mortgage loan payments for multifamily	<p>Provides up to 90 days of forbearance (initial period of 30 days, extended for up to 2 periods of 30 days) for multifamily borrowers with a federally-backed multifamily mortgage loan who are experiencing a financial hardship due, directly or indirectly, to the</p>



	properties with federally backed loans	<p>COVID–19 emergency. A borrower requesting forbearance under Section 4023 must have been current on payments as of February 1, 2020.</p> <p>Applicable mortgages include loans to real property designed for 5 or more families that are purchased, insured, or assisted by Fannie Mae, Freddie Mac, or HUD.</p> <p>Multifamily borrowers receiving forbearance under Section 4023 may not evict or charge late fees to tenants for the duration of the forbearance period.</p> <p>The authority provided under Section 4023 terminates on the earlier of the termination date of the COVID-19 emergency or December 31, 2020.</p>
<b>Sec. 4024</b>	Temporary moratorium on eviction filings	<p>Prohibits landlords from requiring a tenant to vacate, or from initiating legal action to recover possession of a rental unit or to charge fees, penalties, or other charges to a tenant related to such nonpayment of rent where the landlord's mortgage on that property is insured, guaranteed, supplemented, protected, or assisted in any way by HUD, Fannie Mae, Freddie Mac, the rural housing voucher program, or the Violence Against Women Act of 1994.</p> <p>These protections start on the day of enactment of the CARES Act and will continue for a period of 120 days.</p>
<b>Sec. 4025</b>	Protection of collective bargaining agreement	<p>Prohibits US Treasury Secretary from placing conditions on loans or loan guarantees that require an air carrier or eligible business to enter into negotiations with its certified bargaining representative regarding pay or other terms and conditions of employment.</p> <p>Makes the restrictions under this section effective beginning on the date which the air carrier or eligible business accesses the loan or loan guarantee and ending a year after the loan or loan guarantee is no longer outstanding.</p>
<b>Sec. 4026</b>	Reports	<p>Requires US Treasury Secretary to publish on the Department of the Treasury's website detailed information about each transaction authorized by the CARES Act, within 72 hours of the time such transaction is executed.</p> <p>Requires the Government Accountability Office to conduct a study on the loans, loan guarantees, and other investments provided under Section 4003, and to provide a report to Congress within nine months and annually thereafter.</p>

<b>Sec. 4027</b>	Direct appropriation	Authorizes the appropriation of funds necessary to implement this subtitle, prohibits the making of new loans after January 1, 2021, and requires any remaining funds to be transferred to the Department of the Treasury.
<b>Sec. 4028</b>	Rule of construction	Limits all support provided by the Department of the Treasury under this subtitle to loans, loan guarantees, and other investments as provided by this subtitle.
<b>Sec. 4029</b>	Termination of authority	Terminates all authority to make new loans, loan guarantees, or other investments provided under this subtitle on December 31, 2020. Limits the term of loans under this subtitle to five years.
<b>Subtitle B—Air Carrier Worker Support</b>		
<b>Sec. 4111</b>	Definitions	Defines the term “contractor” to mean a person or entity that contractually performs airport ground support or catering services for the air carrier industry. Defines the term “employee” to be an individual, other than a corporate officer, employed by an air carrier or a contractor.
<b>Sec. 4112</b>	Pandemic relief for aviation workers	Provides financial assistance for the exclusive use of employee wages, salaries, and benefits in the amounts of up to \$25 billion for passenger air carriers, up to \$4 billion for cargo air carriers, and up to \$3 billion for airline contractors. Provides for \$100 million for administrative fees associated with providing the financial assistance.
<b>Sec. 4113</b>	Procedures for providing payroll support	<p>Provides that a formula based on the salaries and benefits reported by an air carrier pursuant to part 241 of Title 14, CFR, for the period from April 1, 2019, through September 30, 2019 be used as the basis of financial assistance to air carriers. Smaller air carriers and contractors that do not file under part 241 must document and certify wages, salaries and benefits for the same time period.</p> <p>Defines the terms and conditions of financial assistance to be used, including such covenants, representations, warranties, and requirements (including requirements for audits), as US Treasury Secretary determines appropriate.</p> <p>Requires US Treasury Secretary to publish procedures within five days for air carriers and contractors to submit financial assistance requests under this subtitle.</p> <p>Requires US Treasury Secretary to make initial payments to air carriers and contractors that request financial assistance within 10 days.</p>

		<p>The US Treasury Secretary to determine an appropriate method for timely distribution of payments to air carriers and contractors with approved requests for financial assistance from any funds remaining available after providing initial financial assistance.</p> <p>If the US Treasury Secretary determines that the aggregate amount of financial assistance requested exceeds the amount available, the US Treasury Secretary shall provide proportionate share of the formula derived above.</p> <p>Requires the Inspector General of the Department of the Treasury to audit certifications made by small air carriers and contractors.</p>
<b>Sec. 4114</b>	Required assurances	<p>Mandates that, to be eligible for a financial assistance, recipients enter into an agreement with the US Treasury Secretary that prohibit recipients, until September 30, 2020, from conducting involuntary furloughs or reducing pay rates, and, until September 30, 2021, from, buying back stock and paying dividends. Mandates that recipients meet the requirements of Sections 4115 and 4117.</p> <p>Authorizes the Secretary of Transportation to require, to the extent practicable, that air carriers receiving financial support continue services to any point served by that carrier before March 1, 2020.</p> <p>Requires the Secretary of Transportation to take into consideration the air transportation needs of small and remote communities and the need health care and pharmaceutical supply chains.</p> <p>Terminates the authority granted by this section on March 1, 2022.</p>
<b>Sec. 4115</b>	Protection of collective bargaining agreement	<p>Prohibits the US Treasury Secretary from placing conditions on financial assistance that require a carrier or contractor to enter into negotiations with its certified bargaining representative regarding pay or other terms and conditions of employment.</p> <p>Makes the restrictions on this section effective beginning on the date which the carrier or contractor access financial assistance and ending on September 30, 2020.</p>
<b>Sec. 4116</b>	Limitation on certain employee compensation	<p>Provides the US Treasury Secretary with the authority to receive warrants, options, stock and other financial instruments to provide appropriate compensation for the government for the assistance provided under this Subtitle.</p> <p>Makes financial assistance dependent upon compensation limits where the recipient has entered into a binding agreement with the US Treasury Secretary. Such restrictions do not apply to compensation for employees whose compensation is determined through an existing collective bargaining agreement entered into prior to enactment of the CARES Act. Makes these restrictions effective from March 24, 2020 through March 24, 2022.</p>

		<p>Prohibits any recipient of any direct lending authorized by the CARES Act from increasing the compensation of any officer or employee whose total compensation exceeded \$425,000 last year, or may offer such employees severance pay or other benefits upon termination of employment which exceed twice the maximum total annual compensation received by that employee. Prohibits officers or employees making over \$3 million last year from earning more than \$3 million plus fifty percent of the amount their compensation last year that exceeded \$3 million.</p> <p>Defines “total compensation” to include salary, bonuses, awards of stock, and other financial benefits.</p>
<b>Sec. 4117</b>	Tax payer protection	Provides the US Treasury Secretary with authority to receive warrants, options, preferred stock, debt securities, notes, or other financial instruments issued by recipients of financial assistance under this subtitle which, in the sole determination of the Secretary, provide appropriate compensation to the government for the provision of the financial assistance provided under this Subtitle.
<b>Sec. 4118</b>	Reports	<p>Requires the US Treasury Secretary, before November 1, 2020, to submit a report on the financial assistance provided to air carriers and contractors to the Committee on Transportation and Infrastructure and the Committee on Financial Services of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Banking, Housing, and Urban Affairs of the Senate.</p> <p>Requires the US Treasury Secretary to update and report to the Congressional committees no later than the last day of the 1-year period following the date of enactment of the CARES Act.</p>
<b>Sec. 4119</b>	Coordination	Requires the US Treasury Secretary to coordinate with the Secretary of Transportation when implementing this Subtitle.
<b>Sec. 4120</b>	Direct appropriation	Appropriates \$32 billion to carry out this Subtitle.
<b>TITLE V—CORONAVIRUS RELIEF FUNDS</b>		
<b>Sec. 5001</b>	Coronavirus Relief Fund	<p>Appropriates \$150 billion for states, Tribal governments, and local governments.</p> <ul style="list-style-type: none"> <li>• \$3 billion of which is for D.C., Puerto Rico, US Virgin Islands and the Commonwealth of the Northern Mariana Islands and American Samoa.</li> <li>• \$8 billion of which is for Tribal governments.</li> </ul> <p>Provides for certification process for direct payments to local governments.</p>

		<p>Provides for oversight.</p> <p>Funds to be allocated by population.</p> <p>Funds are for necessary expenditures incurred due to COVID-19 public health emergency.</p>
<b>TITLE VI—MISCELLANEOUS PROVISIONS</b>		
<b>Sec. 6001</b>	COVID–19 borrowing authority for the United States Postal Service	Provides \$10 billion of borrowing authority for the United States Postal Service to respond to effects of the coronavirus. The US Treasury Secretary to provides loans “upon terms and conditions mutually agreed upon by the Secretary and the Postal Service.” The Department of the Treasury also has the ability to only provide the loan as-needed in the event that costs or revenues continue to suffer resulting from coronavirus. Mandates that the Postal Service prioritize delivery of postal products for medical purposes.
<b>Sec. 6002</b>	Emergency designation	Precludes the CARES Act from causing a sequester or triggering other budgetary enforcement mechanisms.