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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R.

Making emergency supplemental appropriations for the fiscal year ending
September 30, 2020, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MRS. LOWEY (for herself, MR. SCOTT OF VIRGINIA, MR. NEAL, MR.
BISHOP OF GEORGIA, MS. DELAURO, and MR. PALLONE) intro-
duced the following bill; which was referred to the Committee on

A BILL

Making emergency supplemental appropriations for the fiscal
year ending September 30, 2020, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Families First
5 Coronavirus Response Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents is as follows:

DIVISION A—SECOND CORONAVIRUS PREPAREDNESS AND
RESPONSE SUPPLEMENTAL APPROPRIATIONS ACT, 2020

DIVISION B—NUTRITION WAIVERS

DIVISION C—COVID-19 HEALTH CARE WORKER PROTECTION ACT
OF 2020

DIVISION D—EMERGENCY PAID LEAVE ACT OF 2020

DIVISION E—EMERGENCY UNEMPLOYMENT INSURANCE
STABILIZATION AND ACCESS ACT OF 2020

DIVISION F—PAID SICK DAYS FOR PUBLIC HEALTH
EMERGENCIES AND PERSONAL AND FAMILY CARE

DIVISION G—HEALTH PROVISIONS

DIVISION H—BUDGETARY EFFECTS

1 **SEC. 3. REFERENCES.**

2 Except as expressly provided otherwise, any reference
3 to “this Act” contained in any division of this Act shall
4 be treated as referring only to the provisions of that divi-
5 sion.

6 **DIVISION A—SECOND CORONAVIRUS PRE-**
7 **PAREDNESS AND RESPONSE SUPPLE-**
8 **MENTAL APPROPRIATIONS ACT, 2020**

9 The following sums are hereby appropriated, out of
10 any money in the Treasury not otherwise appropriated,
11 for the fiscal year ending September 30, 2020, and for
12 other purposes, namely:

1 TITLE I
2 DEPARTMENT OF AGRICULTURE
3 FOOD AND NUTRITION SERVICE
4 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR
5 WOMEN, INFANTS, AND CHILDREN (WIC)

6 For an additional amount for the “Special Supple-
7 mental Nutrition Program for Women, Infants, and Chil-
8 dren”, \$500,000,000, to remain available through Sep-
9 tember 30, 2021: *Provided*, That such amount is des-
10 ignated by the Congress as being for an emergency re-
11 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
12 anced Budget and Emergency Deficit Control Act of 1985.

13 COMMODITY ASSISTANCE PROGRAM

14 For an additional amount for the “Commodity As-
15 sistance Program” for the emergency food assistance pro-
16 gram as authorized by section 27(a) of the Food and Nu-
17 trition Act of 2008 (7 U.S.C. 2036(a)) and section
18 204(a)(1) of the Emergency Food Assistance Act of 1983
19 (7 U.S.C. 7508(a)(1)), \$400,000,000, to remain available
20 through September 30, 2021: *Provided*, That of the funds
21 made available, the Secretary may use up to \$100,000,000
22 for costs associated with the distribution of commodities:
23 *Provided further*, That such amount is designated by the
24 Congress as being for an emergency requirement pursuant

1 to section 251(b)(2)(A)(i) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 GENERAL PROVISIONS—THIS TITLE

4 SEC. 101. (a) PUBLIC HEALTH EMERGENCY.—Dur-
5 ing fiscal year 2020, in any case in which a school is closed
6 for at least 5 consecutive days during a public health
7 emergency designation during which the school would oth-
8 erwise be in session, each household containing at least
9 1 member who is an eligible child attending the school
10 shall be eligible to receive assistance pursuant to a state
11 agency plan approved under subsection (b).

12 (b) ASSISTANCE.—To carry out this section, the Sec-
13 retary of Agriculture may approve State agency plans for
14 temporary emergency standards of eligibility and levels of
15 benefits under the Food and Nutrition Act of 2008 (7
16 U.S.C. 2011 et seq.) for households with eligible children.
17 Plans approved by the Secretary shall provide for supple-
18 mental allotments to households receiving benefits under
19 such Act, and issuances to households not already receiv-
20 ing benefits. Such level of benefits shall be determined by
21 the Secretary in an amount not less than the value of
22 meals at the free rate over the course of 5 school days
23 for each eligible child in the household.

24 (c) MINIMUM CLOSURE REQUIREMENT.—The Sec-
25 retary of Agriculture shall not provide assistance under

1 this section in the case of a school that is closed for less
2 than 5 consecutive days.

3 (d) USE OF EBT SYSTEM.—A State agency may pro-
4 vide assistance under this section through the EBT card
5 system established under section 7 of the Food and Nutri-
6 tion Act of 2008 (7 U.S.C. 2016).

7 (e) RELEASE OF INFORMATION.—Notwithstanding
8 any other provision of law, the Secretary of Agriculture
9 may authorize State educational agencies and school food
10 authorities administering a school lunch program under
11 the Richard B. Russell National School Lunch Act (42
12 U.S.C. 1751 et seq.) to release to appropriate officials ad-
13 ministering the supplemental nutrition assistance program
14 such information as may be necessary to carry out this
15 section.

16 (f) WAIVERS.—To facilitate implementation of this
17 section, the Secretary of Agriculture may approve waivers
18 of the limits on certification periods otherwise applicable
19 under section 3(f) of the Food and Nutrition Act of 2008
20 (7 U.S.C. 2012(f)), reporting requirements otherwise ap-
21 plicable under section 6(c) of such Act (7 U.S.C. 2015(c)),
22 and other administrative requirements otherwise applica-
23 ble to State agencies under such Act.

24 (g) AVAILABILITY OF COMMODITIES.—During fiscal
25 year 2020, the Secretary of Agriculture may purchase

1 commodities for emergency distribution in any area of the
2 United States during a public health emergency designa-
3 tion.

4 (h) DEFINITIONS.—In this section:

5 (1) The term “eligible child” means a child (as
6 defined in section 12(d) or served under section
7 11(a)(1) of the Richard B. Russell National School
8 Lunch Act (42 U.S.C. 1760(d), 1759(a)(1)) who, if
9 not for the closure of the school attended by the
10 child during a public health emergency designation
11 and due to concerns about a COVID–19 outbreak,
12 would receive free or reduced price school meals
13 under the Richard B. Russell National School Lunch
14 Act (42 U.S.C. 1751 et seq.) at the school.

15 (2) The term “public health emergency designa-
16 tion” means the declaration—

17 (A) of a public health emergency, based on
18 an outbreak of SARS–CoV–2 or another
19 coronavirus with pandemic potential, by the
20 Secretary of Health and Human Services under
21 section 319 of the Public Health Service Act
22 (42 U.S.C. 247d); or

23 (B) of a domestic emergency, based on an
24 outbreak of SARS–CoV–2 or another

1 coronavirus with pandemic potential, by the
2 Secretary of Homeland Security.

3 (3) The term “school” has the meaning given
4 the term in section 12(d) of the Richard B. Russell
5 National School Lunch Act (42 U.S.C. 1760(d)).

6 (i) FUNDING.—There are hereby appropriated to the
7 Secretary of Agriculture such amounts as are necessary
8 to carry out this section: *Provided*, That such amount is
9 designated by the Congress as being for an emergency re-
10 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985.

12 SEC. 102. In addition to amounts otherwise made
13 available, \$100,000,000, to remain available through Sep-
14 tember 30, 2021, shall be available for the Secretary of
15 Agriculture to provide grants to the Commonwealth of the
16 Northern Mariana Islands, Puerto Rico, and American
17 Samoa for nutrition assistance in response to a COVID-
18 19 public health emergency: *Provided*, That such amount
19 is designated by the Congress as being for an emergency
20 requirement pursuant to section 251(b)(2)(A)(i) of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985.

1 TITLE II
2 DEPARTMENT OF LABOR
3 EMPLOYMENT AND TRAINING ADMINISTRATION
4 PROGRAM ADMINISTRATION

5 For an additional amount for “Program Administra-
6 tion”, \$5,000,000, to remain available through September
7 30, 2022, to administer the emergency paid sick days pro-
8 gram: *Provided*, That such amount is designated by the
9 Congress as being for an emergency requirement pursuant
10 to section 251(b)(2)(A)(i) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985.

12 DEPARTMENT OF HEALTH AND HUMAN
13 SERVICES

14 ADMINISTRATION FOR COMMUNITY LIVING
15 AGING AND DISABILITY SERVICES PROGRAMS

16 For an additional amount for “Aging and Disability
17 Services Programs”, \$250,000,000, to remain available
18 until September 30, 2021, for activities authorized under
19 subparts 1 and 2 of part C, of title III, and under title
20 VI, of the Older Americans Act of 1965, of which
21 \$160,000,000 shall be for Home-Delivered Nutrition Serv-
22 ices, \$80,000,000 shall be for Congregate Nutrition Serv-
23 ices, and \$10,000,000 shall be for Nutrition Services for
24 Native Americans: *Provided*, That such amount is des-
25 ignated by the Congress as being for an emergency re-

1 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
2 anced Budget and Emergency Deficit Control Act of 1985.

3 TITLE III

4 GENERAL PROVISIONS—THIS ACT

5 SEC. 301. Not later than 30 days after the date of
6 enactment of this Act, the head of each executive agency
7 that receives funding in this Act shall provide a report
8 detailing the anticipated uses of all such funding to the
9 Committees on Appropriations of the House of Represent-
10 atives and the Senate: *Provided*, That each report shall
11 include estimated personnel and administrative costs, as
12 well as the total amount of funding apportioned, allotted,
13 obligated, and expended, to date: *Provided further*, That
14 each such plan shall be updated and submitted to such
15 Committees every 60 days until all funds are expended
16 or expire.

17 SEC. 302. Each amount appropriated or made avail-
18 able by this Act is in addition to amounts otherwise appro-
19 priated for the fiscal year involved.

20 SEC. 303. No part of any appropriation contained in
21 this Act shall remain available for obligation beyond the
22 current fiscal year unless expressly so provided herein.

23 SEC. 304. Unless otherwise provided for by this Act,
24 the additional amounts appropriated by this Act to appro-
25 priations accounts shall be available under the authorities

1 and conditions applicable to such appropriations accounts
2 for fiscal year 2020.

3 SEC. 305. Each amount designated in this Act by the
4 Congress as being for an emergency requirement pursuant
5 to section 251(b)(2)(A)(i) of the Balanced Budget and
6 Emergency Deficit Control Act of 1985 shall be available
7 (or rescinded or transferred, if applicable) only if the
8 President subsequently so designates all such amounts
9 and transmits such designations to the Congress.

10 SEC. 306. Any amount appropriated by this Act, des-
11 igned by the Congress as an emergency requirement
12 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
13 et and Emergency Deficit Control Act of 1985 and subse-
14 quently so designated by the President, and transferred
15 pursuant to transfer authorities provided by this Act shall
16 retain such designation.

17 This division may be cited as the “Second
18 Coronavirus Preparedness and Response Supplemental
19 Appropriations Act, 2020”.

1 **DIVISION B—NUTRITION**
2 **WAIVERS**
3 **TITLE I—MAINTAINING ESSEN-**
4 **TIAL ACCESS TO LUNCH FOR**
5 **STUDENTS ACT**

6 **SEC. 101. SHORT TITLE.**

7 This title may be cited as the “Maintaining Essential
8 Access to Lunch for Students Act” or the “MEALS Act”.

9 **SEC. 102. WAIVER EXCEPTION FOR SCHOOL CLOSURES DUE**
10 **TO COVID-19.**

11 (a) **IN GENERAL.**—The requirements under section
12 12(l)(1)(A)(iii) of the Richard B. Russell National School
13 Lunch Act (42 U.S.C. 1760(l)(1)(A)(iii)) shall not apply
14 to a qualified COVID-19 waiver.

15 (b) **ALLOWABLE INCREASE IN FEDERAL COSTS.**—
16 Notwithstanding paragraph (4) of section 12(l) of the
17 Richard B. Russell National School Lunch Act (42 U.S.C.
18 1760(l)), the Secretary of Agriculture may grant a quali-
19 fied COVID-19 waiver that increases Federal costs.

20 (c) **TERMINATION AFTER PERIODIC REVIEW.**—The
21 requirements under section 12(l)(5) of the Richard B.
22 Russell National School Lunch Act (42 U.S.C. 1760(l)(5))
23 shall not apply to a qualified COVID-19 waiver.

1 (d) QUALIFIED COVID–19 WAIVER.—In this sec-
2 tion, the term “qualified COVID–19 waiver” means a
3 waiver—

4 (1) requested by a State (as defined in section
5 12(d)(8) of the Richard B. Russell National School
6 Lunch Act (42 U.S.C. 1760(d)(8))) or eligible serv-
7 ice provider under section 12(l) of the Richard B.
8 Russell National School Lunch Act (42 U.S.C.
9 1760(l)); and

10 (2) to waive any requirement under such Act
11 (42 U.S.C. 1751 et seq.) or the Child Nutrition Act
12 of 1966 (42 U.S.C. 1771 et seq.), or any regulation
13 issued under either such Act, for purposes of pro-
14 viding meals and meal supplements under such Acts
15 during a school closure due to COVID–19.

16 **TITLE II—COVID—19 CHILD**
17 **NUTRITION RESPONSE ACT**

18 **SEC. 201. SHORT TITLE.**

19 This title may be cited as the “COVID–19 Child Nu-
20 trition Response Act”.

21 **SEC. 202. NATIONAL SCHOOL LUNCH PROGRAM REQUIRE-**
22 **MENT WAIVERS ADDRESSING COVID-19.**

23 (a) NATIONWIDE WAIVER.—

24 (1) IN GENERAL.—Notwithstanding any other
25 provision of law, the Secretary may establish a waiv-

1 er for all States under section 12(l) of the Richard
2 B. Russell National School Lunch Act (42 U.S.C.
3 1760(l)), for purposes of—

4 (A) providing meals and meal supplements
5 under a qualified program; and

6 (B) carrying out subparagraph (A) with
7 appropriate safety measures with respect to
8 COVID–19, as determined by the Secretary.

9 (2) STATE ELECTION.—A waiver established
10 under paragraph (1) shall—

11 (A) notwithstanding paragraph (2) of sec-
12 tion 12(l) of the Richard B. Russell National
13 School Lunch Act (42 U.S.C. 1760(l)), apply
14 automatically to any State that elects to be sub-
15 ject to the waiver without further application;
16 and

17 (B) not be subject to the requirements
18 under paragraph (3) of such section.

19 (b) CHILD AND ADULT CARE FOOD PROGRAM WAIV-
20 ER.—Notwithstanding any other provision of law, the Sec-
21 retary may grant a waiver under section 12(l) of the Rich-
22 ard B. Russell National School Lunch Act (42 U.S.C.
23 1760(l)) to allow non-congregate feeding under a child and
24 adult care food program under section 17 of the Richard

1 B. Russell National School Lunch Act (42 U.S.C. 1766)

2 if such waiver is for the purposes of—

3 (1) providing meals and meal supplements

4 under such child and adult care food program; and

5 (2) carrying out paragraph (1) with appropriate

6 safety measures with respect to COVID–19, as de-

7 termined by the Secretary.

8 (c) MEAL PATTERN WAIVER.—Notwithstanding

9 paragraph (4)(A) of section 12(l) of the Richard B. Rus-

10 sell National School Lunch Act (42 U.S.C. 1760(l)) the

11 Secretary may grant a waiver under such section that re-

12 lates to the nutritional content of meals served if the Sec-

13 retary determines that—

14 (1) such waiver is necessary to provide meals

15 and meal supplements under a qualified program;

16 and

17 (2) there is a supply chain disruption with re-

18 spect to foods served under such a qualified program

19 and such disruption is due to COVID–19.

20 (d) REPORTS.—Each State that receives a waiver

21 under subsection (a), (b), or (c), shall, not later than 1

22 year after the date such State received such waiver, sub-

23 mit a report to the Secretary that includes the following:

24 (1) A summary of the use of such waiver by the

25 State and eligible service providers.

1 (2) A description of whether such waiver re-
2 sulted in improved services to children.

3 (e) SUNSET.—The authority of the Secretary to es-
4 tablish or grant a waiver under this section shall expire
5 on September 30, 2020.

6 (f) DEFINITIONS.—In this section:

7 (1) QUALIFIED PROGRAM.—The term “qualified
8 program” means the following:

9 (A) The school lunch program under the
10 Richard B. Russell National School Lunch Act
11 (42 U.S.C. 1751 et seq.).

12 (B) The school breakfast program under
13 section 4 of the Child Nutrition Act of 1966
14 (42 U.S.C. 1773).

15 (C) The child and adult care food program
16 under section 17 of the Richard B. Russell Na-
17 tional School Lunch Act (42 U.S.C. 1766).

18 (D) The summer food service program for
19 children under section 13 of the Richard B.
20 Russell National School Lunch Act (42 U.S.C.
21 1761).

22 (2) SECRETARY.—The term “Secretary” means
23 the Secretary of Agriculture.

24 (3) STATE.—The term “State” has the mean-
25 ing given such term in section 12(d)(8) of the Rich-

1 ard B. Russell National School Lunch Act (42
2 U.S.C. 1760(d)(8)).

3 **TITLE III—SNAP WAIVERS**

4 **SEC. 301. SNAP FLEXIBILITY FOR LOW-INCOME JOBLESS** 5 **WORKERS.**

6 (a) Beginning with the first month that begins after
7 the enactment of this Act and for each subsequent month
8 through the end of the month subsequent to the month
9 a public health emergency declaration by the Secretary of
10 Health and Human Services under section 319 of the Pub-
11 lic Health Service Act based on an outbreak of coronavirus
12 disease 2019 (COVID–19) is lifted, eligibility for supple-
13 mental nutrition assistance program benefits shall not be
14 limited under section 6(o)(2) of the Food and Nutrition
15 Act of 2008 unless an individual does not comply with the
16 requirements of a program offered by the State agency
17 (as defined in section 3 of the Food and Nutrition Act
18 of 2008) that meets the standards of subparagraphs (B)
19 or (C) of such section 6(o)(2).

20 (b) Beginning on the month subsequent to the month
21 the public health emergency declaration by the Secretary
22 of Health and Human Services under section 319 of the
23 Public Health Service Act based on an outbreak of
24 COVID–19 is lifted for purposes of section 6(o) of the
25 Food and Nutrition Act of 2008, such State agency shall

1 disregard any period during which an individual received
2 benefits under the supplemental nutrition assistance pro-
3 gram prior to such month.

4 **SEC. 302. ADDITIONAL SNAP FLEXIBILITIES IN A PUBLIC**
5 **HEALTH EMERGENCY.**

6 (a) In the event of a public health emergency declara-
7 tion by the Secretary of Health and Human Services
8 under section 319 of the Public Health Service Act based
9 on an outbreak of coronavirus disease 2019 (COVID-
10 19) and the issuance of an emergency or disaster declara-
11 tion by a State based on an outbreak of COVID-19, the
12 Secretary of Agriculture—

13 (1) shall provide, at the request of a State
14 agency (as defined in section 3 of the Food and Nu-
15 trition Act of 2008) that provides sufficient data
16 supporting such request, as determined by the Sec-
17 retary, for emergency allotments to households par-
18 ticipating in the supplemental nutrition assistance
19 program under the Food and Nutrition Act of 2008
20 to address temporary food needs not greater than
21 the applicable maximum monthly allotment for the
22 household size; and

23 (2) may adjust at the request of State agencies
24 or in consultation with State agencies, by guidance,
25 issuance methods and application and reporting re-

1 requirements under the Food and Nutrition Act of
2 2008 to be consistent with what is practicable under
3 actual conditions in affected areas. (In making this
4 adjustment, the Secretary shall consider the avail-
5 ability of offices and personnel in State agencies,
6 any conditions that make reliance on electronic ben-
7 efit transfer systems described in section 7(h) of the
8 Food and Nutrition Act of 2008 impracticable, any
9 disruptions of transportation and communication fa-
10 facilities, and any health considerations that warrant
11 alternative approaches.)

12 (b)(1) The Secretary of Agriculture shall make any
13 requests submitted by State agencies under subsection (a),
14 the Secretary's approval or denial of such requests, and
15 any guidance issued under subsection (a)(2) publicly avail-
16 able on the website of the Department of Agriculture.

17 (2) The Secretary of Agriculture shall post the infor-
18 mation described in paragraph (1) on the website of the
19 Department of Agriculture not later than 10 days after
20 receipt or issuance of such information.

21 (c) The Secretary of Agriculture shall, within 18
22 months after the public health emergency declaration de-
23 scribed in subsection (a) is lifted, submit a report to the
24 House and Senate Agriculture Committees with a descrip-
25 tion of the measures taken to address the food security

1 needs of affected populations during the emergency, any
2 information or data supporting State agency requests, any
3 additional measures that States requested that were not
4 approved, and recommendations for changes to the Sec-
5 retary’s authority under the Food and Nutrition Act of
6 2008 to assist the Secretary and States and localities in
7 preparations for any future health emergencies.

8 **DIVISION C—COVID-19 HEALTH**
9 **CARE WORKER PROTECTION**
10 **ACT OF 2020**

11 **SEC. 1. SHORT TITLE.**

12 This Act may be cited as the “COVID-19 Health
13 Care Worker Protection Act of 2020”.

14 **SEC. 2. FINDINGS.**

15 Congress finds the following:

16 (1) The infectious disease COVID–19 presents
17 a grave danger to health care workers who are the
18 first line of defense of the United States against this
19 epidemic.

20 (2) Hundreds of health care workers in the
21 United States have been infected or quarantined due
22 to exposure to patients with COVID–19. Surveys
23 conducted by health care worker unions and others
24 have found that many health care facilities are inad-

1 equately prepared to safely protect health care work-
2 ers who are exposed to the virus.

3 (3) Inadequate infection control precautions
4 have a detrimental impact on health care workers,
5 patients and the public, and if there is breakdown in
6 health care worker protections, the nation's public
7 health system is placed at risk.

8 (4) The Severe Acute Respiratory Syndrome
9 (hereinafter referred to as "SARS") epidemic of
10 2003 and 2004 in Canada, which involved a
11 coronavirus, resulted in a disproportionately large
12 number of infections of both health care workers and
13 patients in Ontario, Canada, hospitals due to insuffi-
14 cient infection control procedures involving SARS.

15 (5) The Occupational Safety and Health Ad-
16 ministration began rulemaking on a standard to pro-
17 tect health care workers from airborne and other in-
18 fectious diseases in 2009. In 2017, the Trump Ad-
19 ministration suspended work on this rulemaking, re-
20 moving it from the active Regulatory Agenda.

21 (6) The Centers for Disease Control and Pre-
22 vention issued a document entitled, "2007 Guideline
23 for Isolation Precautions: Preventing Transmission
24 of Infectious Agents in Healthcare Settings" in July,

1 2007. However, the guideline in such document is
2 not binding.

3 (7) Absent an enforceable standard, employers
4 lack mandatory requirements to implement an effective and ongoing infection and exposure control program that provides protection to health care workers
5 from COVID-19.
6

7
8 (8) Section 6(c)(1) of the Occupational Safety
9 and Health Act authorizes the Occupational Safety
10 and Health Administration to issue an “Emergency
11 Temporary Standard” if employees are exposed to
12 grave danger from harmful agents or new hazards
13 and if an emergency standard is necessary to protect
14 employees from such danger. The widespread outbreak of COVID-19 clearly satisfies these two conditions.
15
16

17 (9) The Occupational Safety and Health Administration has received two petitions in March
18 2020 calling on the Occupational Safety and Health
19 Administration to issue an Emergency Temporary
20 Standard to protect workers from COVID-19.
21

22 (10) An Emergency Temporary Standard is
23 necessary to ensure the immediate protection of
24 workers in health care workplaces and other high-risk workplaces identified by the Centers for Disease
25

1 Control and Prevention and the Occupational Safety
2 and Health Administration from infection related to
3 COVID-19.

4 **TITLE I—COVID-19 EMERGENCY**
5 **TEMPORARY STANDARD**

6 **SEC. 101. COVID-19 EMERGENCY TEMPORARY STANDARD.**

7 (a) EMERGENCY TEMPORARY STANDARD.—Pursuant
8 to section 6(c)(1) of the Occupational Safety and Health
9 Act of 1970 (29 U.S.C. 655(c)(1)), not later than 1 month
10 after the date of enactment of this Act, the Secretary of
11 Labor shall promulgate an emergency temporary standard
12 to protect from occupational exposure to SARS-CoV-2—

13 (1) employees of health care sector employers;

14 and

15 (2) employees in other sectors whom the Cen-
16 ters for Disease Control and Prevention or the Occu-
17 pational Safety and Health Administration identifies
18 as having elevated risk.

19 (b) PERMANENT STANDARD.—Upon publication of
20 the emergency standard under subsection (a), the Sec-
21 retary of Labor shall commence a proceeding to promul-
22 gate a standard under section 6(c)(3) of the Occupational
23 Safety and Health Act of 1970 (29 U.S.C. 655(c)(3)) with
24 respect to such emergency temporary standard.

1 (c) REQUIREMENTS.—Each standard promulgated
2 under this section shall—

3 (1) require the employers of the employees de-
4 scribed in subsection (a) to develop and implement
5 a comprehensive infectious disease exposure control
6 plan; and

7 (2) at a minimum, be based on the precautions
8 for severe acute respiratory syndrome (SARS) in the
9 “2007 Guideline for Isolation Precautions: Pre-
10 venting Transmission of Infectious Agents in
11 Healthcare Settings” of the Centers for Disease
12 Control and Prevention and any subsequent updates;
13 and

14 (3) provide no less protection for novel patho-
15 gens than precautions mandated by standards
16 adopted by a State plan that has been approved by
17 the Secretary of Labor under section 18 of the Oc-
18 cupational Safety and Health Act of 1970 (29
19 U.S.C. 667).

1 **TITLE II—AMENDMENTS TO THE**
2 **SOCIAL SECURITY ACT**

3 **SEC. 201. APPLICATION OF COVID-19 EMERGENCY TEM-**
4 **PORARY STANDARD TO CERTAIN FACILITIES**
5 **RECEIVING MEDICARE FUNDS.**

6 (a) IN GENERAL.—Section 1866 of the Social Secu-
7 rity Act (42 U.S.C. 1395cc) is amended—

8 (1) in subsection (a)(1)—

9 (A) in subparagraph (X), by striking
10 “and” at the end;

11 (B) in subparagraph (Y), by striking the
12 period at the end and inserting “; and”; and

13 (C) by inserting after subparagraph (Y)
14 the following new subparagraph:

15 “(Z) in the case of hospitals that are not
16 otherwise subject to the Occupational Safety
17 and Health Act of 1970 (or a State occupa-
18 tional safety and health plan that is approved
19 under section 18(b) of such Act) and skilled
20 nursing facilities that are not otherwise subject
21 to such Act (or such a State occupational safety
22 and health plan), to comply with the standards
23 promulgated under section 101 of the Covid-19
24 Health Care Worker Protection Act of 2020.”;
25 and

1 (2) in subsection (b)(4)—

2 (A) in subparagraph (A), by inserting
3 “and a hospital or skilled nursing facility that
4 fails to comply with the requirement of sub-
5 section (a)(1)(Z) (relating to the standards pro-
6 mulgated under section 101 of the Covid-19
7 Health Care Worker Protection Act of 2020)”
8 after “Bloodborne Pathogens Standard”); and

9 (B) in subparagraph (B)—

10 (i) by striking “(a)(1)(U)” and insert-
11 ing “(a)(1)(V)”; and

12 (ii) by inserting “(or, in the case of a
13 failure to comply with the requirement of
14 subsection (a)(1)(Z), for a violation of the
15 standards referred to in such subsection by
16 a hospital or skilled nursing facility, as ap-
17 plicable, that is subject to the provisions of
18 such Act)” before the period at the end.

19 (b) EFFECTIVE DATE.—The amendments made by
20 subsection (a) shall apply beginning on the date that is
21 1 month after the date of promulgation of the emergency
22 temporary standard under section 101 of the COVID-19
23 Health Care Worker Protection Act of 2020.

1 **DIVISION D—EMERGENCY PAID**
2 **LEAVE ACT OF 2020**

3 **SEC. 101. SHORT TITLE.**

4 This division may be cited as the “Emergency Paid
5 Leave Act of 2020”.

6 **SEC. 102. EMERGENCY PAID LEAVE BENEFITS.**

7 The Social Security Act is amended by inserting after
8 title V the following:

9 **“TITLE VI—EMERGENCY PAID**
10 **LEAVE BENEFITS**

11 **“SEC. 601. DEFINITIONS.**

12 “In this title, the following definitions apply:

13 “(1) EMERGENCY LEAVE DAY.—

14 “(A) IN GENERAL.—The term ‘emergency
15 leave day’ means, with respect to an individual,
16 a calendar day in which the individual is not
17 able to engage in employment due to any of the
18 following reasons:

19 “(i) The individual has a current di-
20 agnosis of COVID–19.

21 “(ii) The individual is under quar-
22 antine (including self-imposed quarantine),
23 at the instruction of a health care provider,
24 employer, or a local, State, or Federal offi-

1 cial, in order to prevent the spread of
2 COVID-19.

3 “(iii) The individual is engaged in
4 caregiving for an individual who has a cur-
5 rent diagnosis of COVID-19 or is under
6 quarantine as described in clause (ii).

7 “(iv) The individual is engaged in
8 caregiving, because of the COVID-19-re-
9 lated closing of a school or other care facil-
10 ity or care program, for a child or other in-
11 dividual unable to provide self-care.

12 “(B) LIMITATION.—No calendar day may
13 be treated as an emergency leave day with re-
14 spect to an individual if the individual—

15 “(i) received any form of compensa-
16 tion from an employer (other than State or
17 private paid leave), including wages or any
18 form of accrued paid leave, for such day;
19 or

20 “(ii) was eligible for unemployment
21 compensation for the week in which such
22 day occurs.

23 “(2) COMMISSIONER.—The term ‘Commis-
24 sioner’ means the Commissioner of Social Security.

1 “(3) ELIGIBLE INDIVIDUAL.—The term ‘eligible
2 individual’ means an individual who had wages or
3 self-employment income during the 30-day period
4 ending on the first emergency leave day with respect
5 to such individual.

6 “(4) SELF-EMPLOYMENT INCOME.—The term
7 ‘self-employment income’ has the meaning given the
8 term in section 1402(b) of the Internal Revenue
9 Code of 1986 for purposes of the taxes imposed by
10 section 1401(b) of such Code.

11 “(5) STATE.—The term ‘State’ means any
12 State of the United States or the District of Colum-
13 bia or any territory or possession of the United
14 States.

15 “(6) STATE OR PRIVATE PAID LEAVE.—The
16 term ‘State or private paid leave’ means a benefit
17 which provides full or partial wage replacement to
18 employees on the basis of specifically defined quali-
19 fying events described in section 102 of the Family
20 and Medical Leave Act of 1993 or defined by a writ-
21 ten employer policy or State law and which ends ei-
22 ther when the qualifying event is no longer applica-
23 ble or a set period of benefits is exhausted.

24 “(7) UNEMPLOYMENT COMPENSATION.—The
25 term unemployment compensation means—

1 “(A) ‘regular compensation’, ‘extended
2 compensation’, and ‘additional compensation’
3 (as such terms are defined by section 205 of
4 the Federal-State Extended Unemployment
5 Compensation Act (26 U.S.C. 3304 note)); and

6 “(B) assistance under section 410 of the
7 Robert T. Stafford Disaster Relief and Emer-
8 gency Assistance Act (42 U.S.C. 5177).

9 “(8) WAGES.—The term ‘wages’ has the mean-
10 ing given such term in section 3121(a) of the Inter-
11 nal Revenue Code of 1986 for purposes of the taxes
12 imposed by sections 3101(b) and 3111(b) of such
13 Code.

14 **“SEC. 602. EMERGENCY PAID LEAVE BENEFITS.**

15 “(a) IN GENERAL.—The Commissioner shall pay an
16 emergency paid leave benefit, to be paid electronically or,
17 if necessary, by mail, to each eligible individual for each
18 30-day period beginning and ending in the benefit period
19 (not to exceed 3) for which the eligible individual has filed
20 an application containing such certifications as required
21 under subsection (e).

22 “(b) BENEFIT AMOUNT.—

23 “(1) IN GENERAL.—Subject to paragraph (2),
24 the amount of the emergency paid leave benefit to
25 which an individual is entitled under subsection (a)

1 for a 30-day period shall be an amount (not to ex-
2 ceed \$4,000) equal to $\frac{2}{3}$ of the individual's average
3 monthly earnings.

4 “(2) REDUCTION BASED ON RECEIPT OF STATE
5 OR PRIVATE PAID LEAVE.—The amount of an emer-
6 gency paid leave benefit to which an individual is en-
7 titled under subsection (a) for a 30-day period shall
8 be reduced by \$1 for each dollar of State or private
9 paid leave received by the individual for such period.

10 “(3) AVERAGE MONTHLY EARNINGS.—For pur-
11 poses of this subsection, an individual's average
12 monthly earnings shall be equal to the quotient ob-
13 tained by dividing—

14 “(A) the total of the wages and self-em-
15 ployment income received by the individual dur-
16 ing the most recent calendar year preceding an
17 application for an emergency paid leave benefit
18 under this section for which data is available to
19 the Commissioner; by

20 “(B) 12.

21 “(c) BENEFIT PERIOD.—For purposes of this sec-
22 tion, the benefit period begins on January 19, 2020, and
23 ends on the date that is 1 year after the date of enactment
24 of this title.

1 “(d) RETROACTIVE BENEFITS.—An application for
2 benefits for any month beginning and ending in the benefit
3 period may be filed at any time prior to the date that is
4 180 days after the end of such benefit period.

5 “(e) APPLICATION.—

6 “(1) IN GENERAL.—An application for an emer-
7 gency paid leave benefit under this section for a 30-
8 day period shall include—

9 “(A) an attestation by the individual—

10 “(i) that he or she is an eligible indi-
11 vidual;

12 “(ii) that at least 14 emergency leave
13 days with respect to the individual oc-
14 curred, or are expected to occur, during
15 such period; and

16 “(iii) that the individual has informed
17 his or her employer of the individual’s need
18 to take emergency leave, if the individual
19 has an employer.

20 “(2) AVAILABILITY.—The Commissioner shall
21 accept applications online, by telephone, and by
22 mail.

23 “(3) AUTHENTICATION OF IDENTITY.—The
24 Commissioner is authorized to take such steps as are
25 necessary to authenticate the identity of applicants.

1 “(4) PENALTIES FOR FRAUD.—Any fraud or
2 misrepresentation relating to an application for ben-
3 efits under this title shall be treated as a violation
4 of section 208.

5 “(f) INELIGIBILITY BASED ON FRAUD AND CRIMINAL
6 ACTIVITY.—

7 “(1) INELIGIBILITY FOLLOWING CERTAIN CON-
8 VICTIONS.—An individual who has been convicted of
9 a violation under section 208 or who has been found
10 to have used false statements to secure benefits
11 under this section shall be ineligible for benefits
12 under this section.

13 “(2) INELIGIBILITY OF PRISONERS.—An indi-
14 vidual shall be ineligible for a benefit under this sec-
15 tion for any 30-day period with respect to which the
16 individual is an individual described in clause (i),
17 (ii), or (iii) of section 202(x)(1)(A).

18 “(g) REVIEW OF ELIGIBILITY AND BENEFIT PAY-
19 MENT DETERMINATIONS.—

20 “(1) BURDEN OF PROOF.—An application for
21 benefits under this section shall be presumed to be
22 true and accurate, unless the Commissioner dem-
23 onstrates by a preponderance of the evidence that
24 information contained in the application is false.

25 “(2) REVIEW.—

1 “(A) IN GENERAL.—An individual may re-
2 quest review of an adverse determination with
3 respect to such application or of a benefit pay-
4 ment determination and shall have the same ap-
5 peals rights as provided under title II.

6 “(B) FINAL DETERMINATIONS.—All final
7 determinations of the Commissioner under this
8 subsection shall be reviewable according to the
9 procedures set out in section 205.

10 “(3) PROGRAM INTEGRITY.—The Commissioner
11 shall have the authority to conduct random sample
12 audits of benefits provided under this title to ensure
13 compliance with the eligibility requirements for such
14 benefits.

15 “(h) PROTECTION OF EXISTING BENEFIT RIGHTS.—

16 “(1) IN GENERAL.—This title does not preempt
17 or supercede any provision of State or local law that
18 authorizes a State or local municipality to provide
19 paid leave benefits similar to the benefits provided
20 under this title.

21 “(2) GREATER BENEFITS ALLOWED.—Nothing
22 in this title shall be construed to diminish the obli-
23 gation of an employer to comply with any contract,
24 collective bargaining agreement, or any employment
25 benefit program or plan that provides greater paid

1 leave or other leave rights to employees than the
2 rights established under this title.

3 “(i) REIMBURSEMENT GRANTS TO STATES.—Not
4 later than July 1, 2021, the Secretary of the Treasury,
5 in consultation with the Commissioner of Social Security,
6 shall make a grant to each State in an amount equal to
7 the total amount, for all 30-day periods beginning and
8 ending in the benefit period, by which benefits under this
9 title were reduced under subsection (b)(2) as a result of
10 State and private paid leave paid by such State or under
11 the law of such State.

12 “(j) APPLICABILITY OF CERTAIN TITLE II PROVI-
13 SIONS.—The provisions of sections 204, 205, 206, and
14 208 shall apply to benefit payments made under this sec-
15 tion in the same way that such provisions apply to benefit
16 payments made under title II.

17 “(k) NO EFFECT ON ELIGIBILITY FOR SSI.—Any
18 benefit paid to an individual under this title shall not be
19 regarded as income or resources for any month, for pur-
20 poses of determining the eligibility of the recipient (or the
21 recipient’s spouse or family) for benefits or assistance, or
22 the amount or extent of benefits or assistance, under the
23 Supplemental Security Income program.

1 **“SEC. 603. FUNDING AND EXPEDITED IMPLEMENTATION**
2 **AUTHORITY.**

3 “(a) FUNDING.—There are appropriated such sums
4 as necessary to the Commissioner of Social Security to ad-
5 minister and pay benefits under the program established
6 under this title, and to the Secretary of the Treasury for
7 reimbursement grants under section 602(i).

8 “(b) EXPEDITED IMPLEMENTATION AUTHORITY.—
9 In order to expedite the implementation of the emergency
10 paid leave program under this title, the Commissioner is
11 authorized to waive existing Federal requirements regard-
12 ing paperwork reduction, system of records notices, con-
13 tracting and acquisitions, and hiring.

14 “(c) PROTECTION OF EXISTING EMPLOYEE
15 RIGHTS.—This title does not preempt or supersede exist-
16 ing collective bargaining agreements.

17 **“SEC. 604. PROTECTION OF SOCIAL SECURITY TRUST**
18 **FUNDS.**

19 “No funds from the Federal Old-Age and Survivors
20 Insurance Trust Fund or the Federal Disability Insurance
21 Trust Fund, or appropriated to the Social Security Ad-
22 ministration for the administration of titles II or XVI,
23 may be used for any purpose under this title.

1 **“SEC. 605. TAXATION OF EMERGENCY LEAVE BENEFITS.**

2 “No amount received by an individual under this title
3 shall be included in gross income for purposes of the Inter-
4 nal Revenue Code of 1986.”.

5 **SEC. 103. AMENDMENTS TO THE FAMILY AND MEDICAL**
6 **LEAVE ACT OF 1993.**

7 (a) PUBLIC HEALTH EMERGENCY LEAVE.—Section
8 102(a)(1) of the Family and Medical Leave Act of 1993
9 (29 U.S.C. 2612(a)(1)) is amended by adding at the end
10 the following:

11 “(F) During the 2-year period beginning
12 on the date of the enactment of the Emergency
13 Paid Leave Act of 2020, because of a qualifying
14 need related to a public health emergency in ac-
15 cordance with section 110.”.

16 (b) REQUIREMENTS.—Title I of the Family and Med-
17 ical Leave Act of 1993 (29 U.S.C. 2611 et seq.) is amend-
18 ed by adding at the end the following:

19 **“SEC. 110. PUBLIC HEALTH EMERGENCY LEAVE.**

20 “(a) DEFINITIONS.—The following shall apply with
21 respect to leave under section 102(a)(1)(F):

22 “(1) APPLICATION OF CERTAIN TERMS.—The
23 definitions in section 101 shall apply, except as fol-
24 lows:

25 “(A) ELIGIBLE EMPLOYEE.—In lieu of the
26 definition in section 101(4)(A), the term ‘eligi-

1 ble employee’ means an individual who has been
2 employed for at least 30 days by the employer
3 with respect to whom leave is requested under
4 section 102(a)(1)(F).

5 “(B) EMPLOYER THRESHOLD.—Section
6 101(4)(A)(i) shall be applied by substituting ‘1
7 or more employees’ for ‘50 or more employees
8 for each working day during each of 20 or more
9 calendar workweeks in the current or preceding
10 calendar year’.

11 “(C) HEALTH CARE PROVIDER.—In sec-
12 tion 101(6), the term ‘health care provider’ in-
13 cludes a nurse practitioner.

14 “(D) PARENT.—In lieu of the definition in
15 section 101(7), the term ‘parent’, with respect
16 to an employee, means any of the following:

17 “(i) A biological, foster, or adoptive
18 parent of the employee.

19 “(ii) A stepparent of the employee.

20 “(iii) A parent-in-law of the employee.

21 “(iv) A parent of a domestic partner
22 of the employee.

23 “(v) A legal guardian or other person
24 who stood in loco parentis to an employee
25 when the employee was a child.

1 “(2) ADDITIONAL DEFINITIONS.—In addition to
2 the definitions described in paragraph (1), the fol-
3 lowing definitions shall apply with respect to leave
4 under section 102(a)(1)(F):

5 “(A) QUALIFYING NEED RELATED TO A
6 PUBLIC HEALTH EMERGENCY.—The term
7 ‘qualifying need related to a public health emer-
8 gency’, with respect to leave, means that a pub-
9 lic health emergency has been declared in a lo-
10 cation that includes the employee’s work (in-
11 cluding the commuting route of the employee),
12 residence, or community, and the employee has
13 a need for leave for one of the following:

14 “(i) To comply with a recommenda-
15 tion or order by a health authority having
16 jurisdiction or a health care provider on
17 the basis that—

18 “(I) the physical presence of the
19 employee on the job would jeopardize
20 the health of others because of—

21 “(aa) the exposure of the
22 employee to coronavirus; or

23 “(bb) exhibition of symp-
24 toms of coronavirus by the em-
25 ployee; and

1 “(II) the employee is unable to
2 both perform the functions of the po-
3 sition of such employee and comply
4 with such recommendation or order.

5 “(ii) To care for a family member of
6 an eligible employee with respect to whom
7 a health authority having jurisdiction or a
8 health care provider makes a determina-
9 tion that the presence of the family mem-
10 ber in the community would jeopardize the
11 health of other individuals in the commu-
12 nity because of—

13 “(I) the exposure of such family
14 member to coronavirus; or

15 “(II) exhibition of symptoms of
16 coronavirus by such family member.

17 “(iii) To care for the son or daughter
18 of such employee if the school or place of
19 care has been closed, or the child care pro-
20 vider of such son or daughter is unavail-
21 able, due to a public health emergency.

22 “(B) PUBLIC HEALTH EMERGENCY.—The
23 term ‘public health emergency’ means an emer-
24 gency with respect to coronavirus declared by a
25 Federal, State, or local authority.

1 “(C) CHILD CARE PROVIDER.—The term
2 ‘child care provider’ means a provider who re-
3 ceives compensation for providing child care
4 services on a regular basis, including an ‘eligible
5 child care provider’ (as defined in section 658P
6 of the Child Care and Development Block
7 Grant Act of 1990 (42 U.S.C. 9858n)).

8 “(D) CORONAVIRUS.—The term
9 ‘coronavirus’ has the meaning given the term in
10 section 506 of the Coronavirus Preparedness
11 and Response Supplemental Appropriations
12 Act, 2020.

13 “(E) SCHOOL.—The term ‘school’ means
14 an ‘elementary school’ or ‘secondary school’ as
15 such terms are defined in section 8101 of the
16 Elementary and Secondary Education Act of
17 1965 (20 U.S.C. 7801).

18 “(F) FAMILY.—The term ‘family member’,
19 with respect to an employee, means any of the
20 following:

21 “(i) A parent of the employee.

22 “(ii) A spouse of the employee.

23 “(iii) A sibling of the employee.

1 “(iv) Next of kin of the employee or
2 a person for whom the employee is next of
3 kin.

4 “(v) A son or daughter of the em-
5 ployee.

6 “(vi) A grandparent or grandchild of
7 the employee.

8 “(b) LEAVE TAKEN INTERMITTENTLY OR ON A RE-
9 DUCED WORK SCHEDULE.—

10 “(1) IN GENERAL.—Subject to paragraph (2),
11 leave taken under section 102(a)(1)(F) may not be
12 taken intermittently or on a reduced work schedule.

13 “(2) CARE FOR SON OR DAUGHTER.—Para-
14 graph (1) shall not apply with respect to leave taken
15 for the purpose described in subsection (a)(2)(A)(iii)
16 if the son or daughter of the employee with respect
17 to whom the subsection applies has not been exposed
18 to coronavirus.

19 “(c) RELATIONSHIP TO PAID LEAVE.—

20 “(1) IN GENERAL.—An employee may elect to
21 substitute any of the accrued vacation leave, per-
22 sonal leave, or medical or sick leave for leave under
23 section 102(a)(1)(F) in accordance with section
24 102(d)(2)(B).

1 “(2) EMPLOYER REQUIREMENT.—An employer
2 may not require an employee to substitute any leave
3 as described in paragraph (1) for leave under section
4 102(a)(1)(F).

5 “(d) NOTICE.—In any case where the necessity for
6 leave under section 102(a)(1)(F) for the purpose described
7 in subsection (a)(2)(A)(iii) is foreseeable, an employee
8 shall provide the employer with such notice of leave as is
9 practicable.

10 “(e) CERTIFICATION.—

11 “(1) IN GENERAL.—An employer may require
12 that a request for leave under section 102(a)(1)(F)
13 be supported by documentation described in para-
14 graph (2). An employer may not require such docu-
15 mentation until not later than 3 weeks after the date
16 on which the employee takes such leave.

17 “(2) SUFFICIENT CERTIFICATION.—The fol-
18 lowing documentation shall be sufficient certifi-
19 cation:

20 “(A) With respect to leave taken for the
21 purposes described in clause (i) or (ii) of sub-
22 section (a)(2)(A)—

23 “(i) a recommendation or order from
24 a health authority having jurisdiction or a
25 health care provider that the relevant indi-

1 vidual has symptoms of coronavirus or
2 should be quarantined; or

3 “(ii) documentation or evidence that
4 the relevant individual has been exposed to
5 coronavirus.

6 “(B) With respect to leave taken for the
7 purposes described in clause (iii) of subsection
8 (a)(2)(A), notice from the school, place of care,
9 or child care provider of the son or daughter of
10 the employee of closure or unavailability.

11 “(f) RESTORATION TO POSITION.—

12 “(1) IN GENERAL.—Section 104(a)(1) shall not
13 apply with respect to an employee of an employer
14 who employs fewer than 25 employees if the condi-
15 tions described in paragraph (2) are met.

16 “(2) CONDITIONS.—The conditions described in
17 this paragraph are the following:

18 “(A) The employee takes leave under sec-
19 tion 102(a)(1)(F).

20 “(B) The position held by the employee
21 when the leave commenced does not exist due to
22 economic conditions or other changes in oper-
23 ating conditions of the employer—

24 “(i) that affect employment; and

1 “(ii) are caused by a public health cri-
2 sis during the period of leave.

3 “(C) The employer makes reasonable ef-
4 forts to restore the employee to a position
5 equivalent to the position the employee held
6 when the leave commenced, with equivalent em-
7 ployment benefits, pay, and other terms and
8 conditions of employment.

9 “(D) If the reasonable efforts of the em-
10 ployer under subparagraph (C) fail, the em-
11 ployer makes reasonable efforts during the pe-
12 riod described in paragraph (3) to contact the
13 employee if an equivalent position described in
14 subparagraph (C) becomes available.

15 “(3) CONTACT PERIOD.—The period described
16 under this paragraph is the 1-year period beginning
17 on the earlier of—

18 “(A) the date on which the qualifying need
19 related to a public health emergency concludes;
20 or

21 “(B) the date that is 12 weeks after the
22 date on which the employee’s leave under sec-
23 tion 102(a)(1)(F) commences.”.

1 **DIVISION E—EMERGENCY UNEM-**
2 **LOYMENT INSURANCE STA-**
3 **BILIZATION AND ACCESS ACT**
4 **OF 2020**

5 **SEC. 101. SHORT TITLE.**

6 This division may be cited as the “Emergency Unem-
7 ployment Insurance Stabilization and Access Act of
8 2020”.

9 **SEC. 102. EMERGENCY TRANSFERS FOR UNEMPLOYMENT**
10 **COMPENSATION ADMINISTRATION.**

11 (a) IN GENERAL.—Section 903 of the Social Security
12 Act (42 U.S.C. 1103) is amended by adding at the end
13 the following:

14 “Emergency Transfers in Fiscal Year 2020 for
15 Administration

16 “(h)(1)(A) In addition to any other amounts, the Sec-
17 retary of Labor shall provide for the making of emergency
18 administration grants in fiscal year 2020 to the accounts
19 of the States in the Unemployment Trust Fund, by trans-
20 fer from amounts reserved for that purpose in the Federal
21 unemployment account, in accordance with succeeding
22 provisions of this subsection.

23 “(B) The amount of an emergency administration
24 grant with respect to a State shall, as determined by the
25 Secretary of Labor, be equal to the amount obtained by

1 multiplying \$1,000,000,000 by the same ratio as would
2 apply under subsection (a)(2)(B) for purposes of deter-
3 mining such State's share of any excess amount (as de-
4 scribed in subsection (a)(1)) that would have been subject
5 to transfer to State accounts, as of October 1, 2019, under
6 the provisions of subsection (a).

7 “(C) Of the emergency administration grant deter-
8 mined under subparagraph (B) with respect to a State—

9 “(i) not later than 30 days after the date of en-
10 actment of this subsection, 50 percent shall be
11 transferred to the account of such State upon a cer-
12 tification by the Secretary of Labor to the Secretary
13 of the Treasury that the State meets the require-
14 ments of paragraph (2); and

15 “(ii) only with respect to a State in which the
16 number of unemployment compensation claims has
17 increased by at least 10 percent over the previous
18 calendar year, the remainder shall be transferred to
19 the account of such State upon a certification by the
20 Secretary of Labor to the Secretary of the Treasury
21 that the State meets the requirements of paragraph
22 (3).

23 “(2) The requirements of this paragraph with respect
24 to a State are the following:

1 “(A) The State requires employers to provide
2 notification of the availability of unemployment com-
3 pensation to employees at the time of separation
4 from employment. Such notification may be based
5 on model language issued by the Secretary of Labor.

6 “(B) The State ensures that applications for
7 unemployment compensation, and assistance with
8 the application process, are accessible in at least two
9 of the following: in-person, by phone, or online.

10 “(C) The State notifies applicants when an ap-
11 plication is received and is being processed, and in
12 any case in which an application is unable to be
13 processed, provides information about steps the ap-
14 plicant can take to ensure the successful processing
15 of the application.

16 “(3) The requirements of this paragraph with respect
17 to a State are the following:

18 “(A) The State has expressed its commitment
19 to maintain and strengthen access to the unemploy-
20 ment compensation system, including through initial
21 and continued claims.

22 “(B) The State has demonstrated steps it has
23 taken or will take to ease eligibility requirements
24 and access to unemployment compensation for claim-
25 ants, including waiving work search requirements

1 and the waiting week, and directly or indirectly re-
2 lieving benefit charges for claimants and employers
3 directly impacted by COVID–19 due to an illness in
4 the workplace or direction from a public health offi-
5 cial to isolate or quarantine workers.

6 “(4) Any amount transferred to the account of a
7 State under this subsection may be used by such State
8 only for the administration of its unemployment com-
9 pensation law, including by taking such steps as may be
10 necessary to ensure adequate resources in periods of high
11 demand.

12 “(5) Not later than 1 year after the date of enact-
13 ment of the Emergency Unemployment Insurance Sta-
14 bilization and Access Act of 2020, each State receiving
15 emergency administration grant funding under paragraph
16 (1)(C)(i) shall submit to the Secretary of Labor, the Com-
17 mittee on Ways and Means of the House of Representa-
18 tives, and the Committee on Finance of the Senate, a re-
19 port that includes—

20 “(A) an analysis of the reciprocity rate for un-
21 employment compensation in the State as such rate
22 has changed over time;

23 “(B) a description of steps the State intends to
24 take to increase such reciprocity rate.

1 “(6)(A) Notwithstanding any other provision of law,
2 the Secretary of the Treasury shall transfer from the gen-
3 eral fund of the Treasury (from funds not otherwise ap-
4 propriated) to the employment security administration ac-
5 count (as established by section 901 of the Social Security
6 Act) such sums as the Secretary of Labor estimates to
7 be necessary for purposes of making the transfers de-
8 scribed in paragraph (1)(C).

9 “(B) There are appropriated from the general fund
10 of the Treasury, without fiscal year limitation, the sums
11 referred to in the preceding sentence and such sums shall
12 not be required to be repaid.”.

13 (b) EMERGENCY FLEXIBILITY.—Notwithstanding
14 any other law, if a State modifies its unemployment com-
15 pensation law and policies (including with respect to work
16 search, waiting week, good cause, and employer experience
17 rating) on an emergency temporary basis as needed to re-
18 spond to the spread of COVID–19, such modifications
19 shall be disregarded for the purposes of applying section
20 303 of the Social Security Act and section 3304 of the
21 Internal Revenue Code of 1986 to such State law.

22 (c) REGULATIONS.—The Secretary of Labor may
23 prescribe any regulations, operating instructions, or other
24 guidance necessary to carry out the amendment made by
25 subsection (a).

1 **SEC. 103. TEMPORARY ASSISTANCE FOR STATES WITH AD-**
2 **VANCES.**

3 Section 1202(b)(10)(A) of the Social Security Act
4 (42 U.S.C. 1322(b)(10)(A)) is amended by striking “be-
5 ginning on the date of enactment of this paragraph and
6 ending on December 31, 2010” and inserting “beginning
7 on the date of enactment of the Emergency Unemploy-
8 ment Insurance Stabilization and Access Act of 2020 and
9 ending on December 31, 2020”.

10 **SEC. 104. TECHNICAL ASSISTANCE AND GUIDANCE FOR**
11 **SHORT-TIME COMPENSATION PROGRAMS.**

12 The Secretary of Labor shall assist States in estab-
13 lishing, implementing, and improving the employer aware-
14 ness of short-time compensation programs (as defined in
15 section 3306(v) of the Internal Revenue Code of 1986)
16 to help avert layoffs, including by providing technical as-
17 sistance and guidance.

18 **SEC. 105. FULL FEDERAL FUNDING OF EXTENDED UNEM-**
19 **EMPLOYMENT COMPENSATION FOR A LIMITED**
20 **PERIOD.**

21 (a) IN GENERAL.—In the case of sharable extended
22 compensation and sharable regular compensation paid for
23 weeks of unemployment beginning after the date of the
24 enactment of this section and before December 31, 2020
25 (and only with respect to States that receive emergency
26 administration grant funding under clauses (i) and (ii) of

1 section 903(h)(1)(C) of the Social Security Act (42 U.S.C.
2 1102(h)(1)(C))), section 204(a)(1) of the Federal-State
3 Extended Unemployment Compensation Act of 1970 (26
4 U.S.C. 3304 note) shall be applied by substituting “100
5 percent of” for “one-half of”.

6 (b) TEMPORARY FEDERAL MATCHING FOR THE
7 FIRST WEEK OF EXTENDED BENEFITS FOR STATES
8 WITH NO WAITING WEEK.—With respect to weeks of un-
9 employment beginning after the date of the enactment of
10 this Act and ending on or before December 31, 2020, sub-
11 paragraph (B) of section 204(a)(2) of the Federal-State
12 Extended Unemployment Compensation Act of 1970 (26
13 U.S.C. 3304 note) shall not apply.

14 (c) DEFINITIONS.—For purposes of this section—

15 (1) the terms “sharable extended compensa-
16 tion” and “sharable regular compensation” have the
17 respective meanings given such terms under section
18 204 of the Federal-State Extended Unemployment
19 Compensation Act of 1970; and

20 (2) the term “week” has the meaning given
21 such term under section 205 of the Federal-State
22 Extended Unemployment Compensation Act of
23 1970.

1 (d) REGULATIONS.—The Secretary of Labor may
2 prescribe any operating instructions or regulations nec-
3 essary to carry out this section.

4 **DIVISION F—PAID SICK DAYS**
5 **FOR PUBLIC HEALTH EMER-**
6 **GENCIES AND PERSONAL AND**
7 **FAMILY CARE**

8 **SEC. 101. SHORT TITLE.**

9 This division may be cited as the “Paid Sick Days
10 for Public Health Emergencies and Personal and Family
11 Care Act”.

12 **SEC. 102. DEFINITIONS.**

13 In this Act:

14 (1) CHILD.—The term “child” means a biologi-
15 cal, foster, or adopted child, a stepchild, a child of
16 a domestic partner, a legal ward, or a child of a per-
17 son standing in loco parentis.

18 (2) DOMESTIC PARTNER.—

19 (A) IN GENERAL.—The term “domestic
20 partner”, with respect to an individual, means
21 another individual with whom the individual is
22 in a committed relationship.

23 (B) COMMITTED RELATIONSHIP DE-
24 FINED.—The term “committed relationship”
25 means a relationship between 2 individuals,

1 each at least 18 years of age, in which each in-
2 dividual is the other individual’s sole domestic
3 partner and both individuals share responsi-
4 bility for a significant measure of each other’s
5 common welfare. The term includes any such
6 relationship between 2 individuals, including in-
7 dividuals of the same sex, that is granted legal
8 recognition by a State or political subdivision of
9 a State as a marriage or analogous relationship,
10 including a civil union or domestic partnership.

11 (3) DOMESTIC VIOLENCE.—The term “domestic
12 violence” has the meaning given the term in section
13 40002(a) of the Violence Against Women Act of
14 1994 (34 U.S.C. 12291(a)), except that the ref-
15 erence in such section to the term “jurisdiction re-
16 ceiving grant monies” shall be deemed to mean the
17 jurisdiction in which the victim lives or the jurisdic-
18 tion in which the employer involved is located. Such
19 term also includes dating violence, as that term is
20 defined in such section.

21 (4) EMPLOYEE.—The term “employee” means
22 an individual who is—

23 (A)(i) an employee, as defined in section
24 3(e) of the Fair Labor Standards Act of 1938
25 (29 U.S.C. 203(e)), who is not covered under

1 subparagraph (E), including such an employee
2 of the Library of Congress, except that a ref-
3 erence in such section to an employer shall be
4 considered to be a reference to an employer de-
5 scribed in clauses (i)(I) and (ii) of paragraph
6 (5)(A); or

7 (ii) an employee of the Government Ac-
8 countability Office;

9 (B) a State employee described in section
10 304(a) of the Government Employee Rights Act
11 of 1991 (42 U.S.C. 2000e-16c(a));

12 (C) a covered employee, as defined in sec-
13 tion 101 of the Congressional Accountability
14 Act of 1995 (2 U.S.C. 1301), other than an ap-
15 plicant for employment;

16 (D) a covered employee, as defined in sec-
17 tion 411(c) of title 3, United States Code; or

18 (E) a Federal officer or employee covered
19 under subchapter V of chapter 63 of title 5,
20 United States Code.

21 (5) EMPLOYER.—

22 (A) IN GENERAL.—The term “employer”
23 means a person who is—

1 (i)(I) a covered employer, as defined
2 in subparagraph (B), who is not covered
3 under subclause (V);

4 (II) an entity employing a State em-
5 ployee described in section 304(a) of the
6 Government Employee Rights Act of 1991;

7 (III) an employing office, as defined
8 in section 101 of the Congressional Ac-
9 countability Act of 1995;

10 (IV) an employing office, as defined in
11 section 411(c) of title 3, United States
12 Code; or

13 (V) an employing agency covered
14 under subchapter V of chapter 63 of title
15 5, United States Code; and

16 (ii) engaged in commerce (including
17 government), or an industry or activity af-
18 fecting commerce (including government),
19 as defined in subparagraph (B)(iii).

20 (B) COVERED EMPLOYER.—

21 (i) IN GENERAL.—In subparagraph
22 (A)(i)(I), the term “covered employer”—

23 (I) means any person engaged in
24 commerce or in any industry or activ-

1 ity affecting commerce who employs 1
2 or more employees;

3 (II) includes—

4 (aa) any person who acts,
5 directly or indirectly, in the inter-
6 est of an employer to any of the
7 employees of such employer; and

8 (bb) any successor in inter-
9 est of an employer;

10 (III) includes any “public agen-
11 cy”, as defined in section 3(x) of the
12 Fair Labor Standards Act of 1938
13 (29 U.S.C. 203(x)); and

14 (IV) includes the Government
15 Accountability Office and the Library
16 of Congress.

17 (ii) PUBLIC AGENCY.—For purposes
18 of clause (i)(IV), a public agency shall be
19 considered to be a person engaged in com-
20 merce or in an industry or activity affect-
21 ing commerce.

22 (iii) DEFINITIONS.—For purposes of
23 this subparagraph:

24 (I) COMMERCE.—The terms
25 “commerce” and “industry or activity

1 affecting commerce” mean any activ-
2 ity, business, or industry in commerce
3 or in which a labor dispute would
4 hinder or obstruct commerce or the
5 free flow of commerce, and include
6 “commerce” and any “industry affect-
7 ing commerce”, as defined in para-
8 graphs (1) and (3) of section 501 of
9 the Labor Management Relations Act,
10 1947 (29 U.S.C. 142 (1) and (3)).

11 (II) EMPLOYEE.—The term “em-
12 ployee” has the same meaning given
13 such term in section 3(e) of the Fair
14 Labor Standards Act of 1938 (29
15 U.S.C. 203(e)).

16 (III) PERSON.—The term “per-
17 son” has the same meaning given
18 such term in section 3(a) of the Fair
19 Labor Standards Act of 1938 (29
20 U.S.C. 203(a)).

21 (C) PREDECESSORS.—Any reference in
22 this paragraph to an employer shall include a
23 reference to any predecessor of such employer.

24 (6) EMPLOYMENT BENEFITS.—The term “em-
25 ployment benefits” means all benefits provided or

1 made available to employees by an employer, includ-
2 ing group life insurance, health insurance, disability
3 insurance, sick leave, annual leave, educational bene-
4 fits, and pensions, regardless of whether such bene-
5 fits are provided by a practice or written policy of
6 an employer or through an “employee benefit plan”,
7 as defined in section 3(3) of the Employee Retirement
8 Income Security Act of 1974 (29 U.S.C.
9 1002(3)).

10 (7) HEALTH CARE PROVIDER.—The term
11 “health care provider” means a provider who—

12 (A)(i) is a doctor of medicine or osteopathy
13 who is authorized to practice medicine or sur-
14 gery (as appropriate) by the State in which the
15 doctor practices; or

16 (ii) is any other person determined by the
17 Secretary to be capable of providing health care
18 services; and

19 (B) is not employed by an employer for
20 whom the provider issues certification under
21 this Act.

22 (8) PAID SICK TIME.—The term “paid sick
23 time” means an increment of compensated leave
24 that—

25 (A) can be—

1 (i) earned by an employee for use dur-
2 ing an absence from employment for a rea-
3 son described in any paragraph of section
4 3(b); or

5 (ii) provided by an employer during a
6 public health emergency for use during an
7 absence from employment for a reason de-
8 scribed in any paragraph of section 3(b);
9 and

10 (B) is compensated at a rate that is not
11 less than the greatest of—

12 (i) the employee’s regular rate of pay;

13 (ii) the minimum wage rate provided
14 for in section 6(a)(1) of the Fair Labor
15 Standards Act of 1938 (29 U.S.C.
16 206(a)(1)); or

17 (iii) the minimum wage rate provided
18 for in the applicable State or local law for
19 the State or locality in which the employee
20 is employed.

21 (9) PARENT.—The term “parent” means a bio-
22 logical, foster, or adoptive parent of an employee, a
23 stepparent of an employee, parent-in-law, parent of
24 a domestic partner, or a legal guardian or other per-

1 son who stood in loco parentis to an employee when
2 the employee was a child.

3 (10) PUBLIC HEALTH EMERGENCY.—The term
4 “public health emergency” means a public health
5 emergency—

6 (A) declared by the Secretary of Health
7 and Human Services for a jurisdiction, or by a
8 State public health official with authority to de-
9 clare such an emergency for the State or juris-
10 diction within the State; and

11 (B) due to a public health condition that
12 is—

13 (i) emergent and acute; and

14 (ii) not a longstanding, chronic public
15 health condition.

16 (11) SECRETARY.—The term “Secretary”
17 means the Secretary of Labor.

18 (12) SEXUAL ASSAULT.—The term “sexual as-
19 sault” has the meaning given the term in section
20 40002(a) of the Violence Against Women Act of
21 1994 (34 U.S.C. 12291(a)).

22 (13) SPOUSE.—The term “spouse”, with re-
23 spect to an employee, has the meaning given such
24 term by the marriage laws of the State in which the
25 marriage was celebrated.

1 (14) STALKING.—The term “stalking” has the
2 meaning given the term in section 40002(a) of the
3 Violence Against Women Act of 1994 (34 U.S.C.
4 12291(a)).

5 (15) STATE.—The term “State” has the mean-
6 ing given the term in section 3 of the Fair Labor
7 Standards Act of 1938 (29 U.S.C. 203).

8 (16) VICTIM SERVICES ORGANIZATION.—The
9 term “victim services organization” means a non-
10 profit, nongovernmental organization that provides
11 assistance to victims of domestic violence, sexual as-
12 sault, or stalking or advocates for such victims, in-
13 cluding a rape crisis center, an organization carrying
14 out a domestic violence, sexual assault, or stalking
15 prevention or treatment program, an organization
16 operating a shelter or providing counseling services,
17 or a legal services organization or other organization
18 providing assistance through the legal process.

19 **SEC. 103. PAID SICK TIME.**

20 (a) EARNING OF PAID SICK TIME.—

21 (1) IN GENERAL.—

22 (A) EARNING.—Subject to subsection (c)
23 and paragraph (2), an employer shall provide
24 each employee employed by the employer not
25 less than 1 hour of earned paid sick time for

1 every 30 hours worked, to be used as described
2 in subsection (b).

3 (B) LIMIT.—An employer shall not be re-
4 quired to permit an employee to earn, under
5 this subsection, more than 56 hours of paid sick
6 time in a year, unless the employer chooses to
7 set a higher limit.

8 (2) EXEMPT EMPLOYEES.—

9 (A) IN GENERAL.—Except as provided in
10 paragraph (3), for purposes of this subsection,
11 an employee who is exempt from overtime re-
12 quirements under section 13(a)(1) of the Fair
13 Labor Standards Act of 1938 (29 U.S.C.
14 213(a)(1)) shall be assumed to work 40 hours
15 in each workweek.

16 (B) SHORTER NORMAL WORKWEEK.—If
17 the normal workweek of such an employee is
18 less than 40 hours, the employee shall earn
19 paid sick time under this subsection based upon
20 that normal workweek.

21 (3) DATES FOR BEGINNING TO EARN PAID SICK
22 TIME AND USE.—

23 (A) IN GENERAL.—Employees shall begin
24 to earn paid sick time under this subsection at
25 the commencement of their employment. An

1 employee shall be entitled to use the earned
2 paid sick time beginning on the 60th calendar
3 day following commencement of the employee's
4 employment. After that 60th calendar day, the
5 employee may use the paid sick time as the
6 time is earned. An employer may, at the discre-
7 tion of the employer, loan paid sick time to an
8 employee for use by such employee in advance
9 of the employee earning such sick time as pro-
10 vided in this subsection and may permit use be-
11 fore the 60th day of employment.

12 (B) PUBLIC HEALTH EMERGENCY.—Sub-
13 paragraph (A) shall not apply with respect to
14 additional paid sick time provided under sub-
15 section (c). In the event of a public health
16 emergency, an employee may immediately use
17 the additional or accrued paid sick time de-
18 scribed in subsection (c), regardless of how long
19 the employee has been employed by an em-
20 ployer.

21 (4) CARRYOVER.—

22 (A) IN GENERAL.—Except as provided in
23 subparagraph (B), paid sick time earned under
24 this subsection shall carry over from 1 year to
25 the next.

1 (B) CONSTRUCTION.—This subsection
2 shall not be construed to require an employer to
3 permit an employee to earn more than 56 hours
4 of earned paid sick time at a given time.

5 (5) EMPLOYERS WITH EXISTING POLICIES.—
6 Any employer with a paid leave policy who makes
7 available an amount of paid leave that is sufficient
8 to meet the requirements of this subsection and that
9 may be used for the same purposes and under the
10 same conditions as the purposes and conditions out-
11 lined in subsection (b) shall not be required to per-
12 mit an employee to earn more paid sick time under
13 this subsection.

14 (6) CONSTRUCTION.—Nothing in this section
15 shall be construed as requiring financial or other re-
16 imbursement to an employee from an employer upon
17 the employee's termination, resignation, retirement,
18 or other separation from employment for earned
19 paid sick time that has not been used.

20 (7) EMPLOYMENT UNDER MULTIEMPLOYER
21 BARGAINING AGREEMENTS.—

22 (A) An employer signatory to a multiem-
23 ployer collective bargaining agreement may ful-
24 fill its obligations under this Act by making
25 contributions to a multiemployer fund, plan or

1 program based on the hours each of its employ-
2 ees accrues pursuant to this subsection (a)
3 while working under the multiemployer collec-
4 tive bargaining agreement, provided that the
5 fund, plan or program enables employees to se-
6 cure pay from such fund, plan or program
7 based on hours they have worked under the
8 multiemployer collective bargaining agreement
9 and for the uses specified under subsections
10 (b)(1), (2), (6) and (7).

11 (B) Employees who work under a multiem-
12 ployer collective bargaining agreement into
13 which their employers make contributions as
14 provided in subparagraph (A) may secure pay
15 from such fund, plan or program based on
16 hours they have worked under the multiem-
17 ployer collective bargaining agreement for the
18 uses specified under subsections (b)(1), (2), (6)
19 and (7).

20 (8) REINSTATEMENT.—If an employee is sepa-
21 rated from employment with an employer and is re-
22 hired, within 12 months after that separation, by the
23 same employer, the employer shall reinstate the em-
24 ployee’s previously earned paid sick time under this
25 subsection. The employee shall be entitled to use the

1 earned paid sick time and earn more paid sick time
2 at the recommencement of employment with the em-
3 ployer.

4 (9) PROHIBITION.—An employer may not re-
5 quire, as a condition of providing paid sick time
6 under this Act, that the employee involved search for
7 or find a replacement employee to cover the hours
8 during which the employee is using paid sick time.

9 (10) SCHEDULING.—An employee shall make a
10 reasonable effort to schedule a period of accrued
11 paid sick time under this subsection in a manner
12 that does not unduly disrupt the operations of the
13 employer.

14 (b) USES.—Paid sick time under this section may be
15 used by an employee for any of the following:

16 (1) An absence resulting from a physical or
17 mental illness, injury, or medical condition of the
18 employee.

19 (2) An absence resulting from obtaining profes-
20 sional medical diagnosis or care, or preventive med-
21 ical care, for the employee.

22 (3) An absence resulting from the closure of an
23 employee's place of employment by order of a Fed-
24 eral or State public official with jurisdiction, or at

1 the employer's discretion, due to a public health
2 emergency.

3 (4) An absence because a Federal or State pub-
4 lic official with jurisdiction or a health care provider
5 has determined that the employee's presence in the
6 community may jeopardize the health of others be-
7 cause of the employee's exposure to a communicable
8 disease during a public health emergency, regardless
9 of whether the employee has actually contracted the
10 communicable disease.

11 (5) An absence for the purpose of caring for a
12 child, a parent, a spouse, a domestic partner, or any
13 other individual related by blood or affinity whose
14 close association with the employee is the equivalent
15 of a family relationship—

16 (A) who is a child, if the child's school or
17 place of care has been closed by order of a Fed-
18 eral or State public official with jurisdiction or
19 at the discretion of the school or place of care
20 due to a public health emergency, including if
21 a school or entity operating the place of care is
22 physically closed but is providing education or
23 care to the child remotely; or

24 (B) because a Federal or State public offi-
25 cial with jurisdiction or a health care provider

1 has determined that the presence in the com-
2 munity of the person receiving care may jeop-
3 ardize the health of others because of the per-
4 son's exposure to a communicable disease dur-
5 ing a public health emergency, regardless of
6 whether the person has actually contracted the
7 communicable disease.

8 (6) An absence for the purpose of caring for a
9 child, a parent, a spouse, a domestic partner, or any
10 other individual related by blood or affinity whose
11 close association with the employee is the equivalent
12 of a family relationship—

13 (A) who has any of the conditions or needs
14 for diagnosis or care described in paragraph (1)
15 or (2);

16 (B) who is a child, if the employee is re-
17 quired to attend a school meeting or a meeting
18 at a place where the child is receiving care ne-
19 cessitated by the child's health condition or dis-
20 ability; or

21 (C) who is otherwise in need of care.

22 (7) An absence resulting from domestic vio-
23 lence, sexual assault, or stalking, if the time is to—

24 (A) seek medical attention for the em-
25 ployee or the employee's child, parent, spouse,

1 domestic partner, or an individual related to the
2 employee as described in paragraph (6), to re-
3 cover from physical or psychological injury or
4 disability caused by domestic violence, sexual
5 assault, or stalking;

6 (B) obtain or assist a related person de-
7 scribed in paragraph (6) in obtaining services
8 from a victim services organization;

9 (C) obtain or assist a related person de-
10 scribed in paragraph (6) in obtaining psycho-
11 logical or other counseling;

12 (D) seek relocation; or

13 (E) take legal action, including preparing
14 for or participating in any civil or criminal legal
15 proceeding related to or resulting from domestic
16 violence, sexual assault, or stalking.

17 (c) ADDITIONAL PAID SICK TIME FOR PUBLIC
18 HEALTH EMERGENCY.—

19 (1) ADDITIONAL PAID SICK TIME.—On the date
20 of a declaration of a public health emergency, an
21 employer in the jurisdiction involved shall provide
22 each employee of the employer in that jurisdiction
23 with additional paid sick time, in addition to any
24 amount of paid sick time accrued by the employee

1 under subsection (a) (including paid leave referred
2 to in subsection (a)(4)).

3 (2) AMOUNT OF PAID SICK TIME.—In receiving
4 additional paid sick time under paragraph (1), the
5 employee shall receive—

6 (A) for a full-time salaried employee, a
7 specified amount of paid sick time that is suffi-
8 cient to provide the employee with 14 contin-
9 uous days away from work without a reduction
10 in pay; and

11 (B) for a part-time or hourly employee, a
12 specified amount of paid sick time equal to the
13 number of hours that the employee was sched-
14 uled to work or, if not so scheduled, regularly
15 works in a 14-day period.

16 (3) USE OF LEAVE.—The additional sick time
17 and accrued sick time described in this subsection
18 shall be available for immediate use by the employee
19 for the purposes described in any paragraph of sub-
20 section (b) beginning on the date a public health
21 emergency is declared, regardless of how long the
22 employee has been employed by an employer.

23 (4) SEQUENCING.—During the public health
24 emergency, an employee may first use the additional
25 sick time for those purposes. The employee may then

1 use the accrued sick time during the public health
2 emergency, or retain the accrued sick time for use
3 after the public health emergency. An employer may
4 not require an employee to use the accrued sick
5 time, or any other paid leave provided by the em-
6 ployer to the employee, before using the additional
7 sick time.

8 (5) PERIODS.—An employee may take the addi-
9 tional sick time on the schedule that meets the em-
10 ployee’s needs, consistent with subsection (b), in-
11 cluding taking the additional sick time intermittently
12 or on a reduced leave schedule, and an employer
13 may not require an employee to take the additional
14 sick time in a single period or on any other schedule
15 specified by the employer.

16 (6) REIMBURSEMENT FOR WAGES.—

17 (A) DEFINITION.—In this paragraph, the
18 term “qualified employer” means an employer
19 who employs 50 or fewer employees.

20 (B) REIMBURSEMENT.—A qualified em-
21 ployer of an employee who uses additional paid
22 sick time under this subsection during a public
23 health emergency shall be reimbursed by the
24 Secretary of the Treasury for the wages paid to

1 the employee for the period during which the
2 employee used the additional paid sick time.

3 (C) PROCESS.—To be eligible to receive
4 such reimbursement, the qualified employer
5 shall submit to the Secretary of Labor an affi-
6 davit that attests that the employer provided
7 such additional paid sick time, and related
8 records showing the period of and wages associ-
9 ated with the additional paid sick time. On the
10 Secretary's determination that the employer
11 provided an amount of such additional paid sick
12 time to an employee, the Secretary shall trans-
13 mit the affidavit and records to the Secretary of
14 the Treasury, and that Secretary shall provide
15 timely reimbursement.

16 (d) PROCEDURES.—

17 (1) IN GENERAL.—Paid sick time shall be pro-
18 vided upon the oral or written request of an em-
19 ployee. Such request shall—

20 (A) include the expected duration of the
21 period of such time;

22 (B) in a case in which the need for such
23 period of time is foreseeable at least 7 days in
24 advance of such period, be provided at least 7
25 days in advance of such period; and

1 (C) otherwise, be provided as soon as prac-
2 ticable after the employee is aware of the need
3 for such period.

4 (2) CERTIFICATION IN GENERAL.—

5 (A) PROVISION.—

6 (i) IN GENERAL.—Subject to subpara-
7 graphs (C) and (D), an employer may re-
8 quire that a request for paid sick time
9 under this section for a purpose described
10 in paragraph (1), (2), or (6) of subsection
11 (b) be supported by a certification issued
12 by the health care provider of the eligible
13 employee or of an individual described in
14 subsection (b)(6), as appropriate, if the pe-
15 riod of such time covers more than 3 con-
16 secutive workdays.

17 (ii) TIMELINESS.—The employee shall
18 provide a copy of such certification to the
19 employer in a timely manner, not later
20 than 30 days after the first day of the pe-
21 riod of time. The employer shall not delay
22 the commencement of the period of time on
23 the basis that the employer has not yet re-
24 ceived the certification.

25 (B) SUFFICIENT CERTIFICATION.—

1 (i) IN GENERAL.—A certification pro-
2 vided under subparagraph (A) shall be suf-
3 ficient if it states—

4 (I) the date on which the period
5 of time will be needed;

6 (II) the probable duration of the
7 period of time;

8 (III) the appropriate medical
9 facts within the knowledge of the
10 health care provider regarding the
11 condition involved, subject to clause
12 (ii); and

13 (IV)(aa) for purposes of paid sick
14 time under subsection (b)(1), a state-
15 ment that absence from work is medi-
16 cally necessary;

17 (bb) for purposes of such time
18 under subsection (b)(2), the dates on
19 which testing for a medical diagnosis
20 or care is expected to be given and the
21 duration of such testing or care; and

22 (cc) for purposes of such time
23 under subsection (b)(6), in the case of
24 time to care for someone who is not a
25 child, a statement that care is needed

1 for an individual described in such
2 subsection, and an estimate of the
3 amount of time that such care is
4 needed for such individual.

5 (ii) LIMITATION.—In issuing a certifi-
6 cation under subparagraph (A), a health
7 care provider shall make reasonable efforts
8 to limit the medical facts described in
9 clause (i)(III) that are disclosed in the cer-
10 tification to the minimum necessary to es-
11 tablish a need for the employee to utilize
12 paid sick time.

13 (C) PUBLIC HEALTH EMERGENCIES.—No
14 certification or other documentation may be re-
15 quired under this Act by an employer during
16 any public health emergency.

17 (D) REGULATIONS.—Regulations pre-
18 scribed under section 12 shall specify the man-
19 ner in which an employee who does not have
20 health insurance shall provide a certification for
21 purposes of this paragraph.

22 (E) CONFIDENTIALITY AND NONDISCLO-
23 SURE.—

24 (i) PROTECTED HEALTH INFORMA-
25 TION.—Nothing in this Act shall be con-

1 strued to require a health care provider to
2 disclose information in violation of section
3 1177 of the Social Security Act (42 U.S.C.
4 1320d–6) or the regulations promulgated
5 pursuant to section 264(c) of the Health
6 Insurance Portability and Accountability
7 Act of 1996 (42 U.S.C. 1320d–2 note).

8 (ii) HEALTH INFORMATION
9 RECORDS.—If an employer possesses
10 health information about an employee or
11 an employee’s child, parent, spouse, domes-
12 tic partner, or an individual related to the
13 employee as described in subsection (b)(6),
14 such information shall—

15 (I) be maintained on a separate
16 form and in a separate file from other
17 personnel information;

18 (II) be treated as a confidential
19 medical record; and

20 (III) not be disclosed except to
21 the affected employee or with the per-
22 mission of the affected employee.

23 (3) CERTIFICATION IN THE CASE OF DOMESTIC
24 VIOLENCE, SEXUAL ASSAULT, OR STALKING.—

1 (A) IN GENERAL.—An employer may re-
2 quire that a request for paid sick time under
3 this section for a purpose described in sub-
4 section (b)(7) be supported by any one of the
5 following forms of documentation, but the em-
6 ployer may not specify the particular form of
7 documentation to be provided:

8 (i) A police report indicating that the
9 employee, or a member of the employee’s
10 family described in subsection (b)(7), was
11 a victim of domestic violence, sexual as-
12 sault, or stalking.

13 (ii) A court order protecting or sepa-
14 rating the employee or a member of the
15 employee’s family described in subsection
16 (b)(7) from the perpetrator of an act of
17 domestic violence, sexual assault, or stalk-
18 ing, or other evidence from the court or
19 prosecuting attorney that the employee or
20 a member of the employee’s family de-
21 scribed in subsection (b)(7) has appeared
22 in court or is scheduled to appear in court
23 in a proceeding related to domestic vio-
24 lence, sexual assault, or stalking.

1 (iii) Other documentation signed by
2 an employee or volunteer working for a vic-
3 tim services organization, an attorney, a
4 police officer, a medical professional, a so-
5 cial worker, an antiviolence counselor, or a
6 member of the clergy, affirming that the
7 employee or a member of the employee's
8 family described in subsection (b)(7) is a
9 victim of domestic violence, sexual assault,
10 or stalking.

11 (B) REQUIREMENTS.—The requirements
12 of paragraph (2) shall apply to certifications
13 under this paragraph, except that—

14 (i) subclauses (III) and (IV) of sub-
15 paragraph (B)(i) and subparagraph (B)(ii)
16 of such paragraph shall not apply;

17 (ii) the certification shall state the
18 reason that the leave is required with the
19 facts to be disclosed limited to the min-
20 imum necessary to establish a need for the
21 employee to be absent from work, and the
22 employee shall not be required to explain
23 the details of the domestic violence, sexual
24 assault, or stalking involved; and

1 (iii) with respect to confidentiality
2 under subparagraph (E) of such para-
3 graph, any information provided to the em-
4 ployer under this paragraph shall be con-
5 fidential, except to the extent that any dis-
6 closure of such information is—

7 (I) requested or consented to in
8 writing by the employee; or

9 (II) otherwise required by appli-
10 cable Federal or State law.

11 **SEC. 104. NOTICE REQUIREMENT.**

12 (a) IN GENERAL.—Each employer shall notify each
13 employee and include in any employee handbook the infor-
14 mation described in paragraphs (1) through (4). Each em-
15 ployer shall post and keep posted a notice, to be prepared
16 or approved in accordance with procedures specified in
17 regulations prescribed under section 12, setting forth ex-
18 cerpts from, or summaries of, the pertinent provisions of
19 this Act including—

20 (1) information describing paid sick time avail-
21 able to employees under this Act;

22 (2) information pertaining to the filing of an
23 action under this Act;

1 (3) the details of the notice requirement for a
2 foreseeable period of time under section 5(e)(1)(B);
3 and

4 (4) information that describes—

5 (A) the protections that an employee has
6 in exercising rights under this Act; and

7 (B) how the employee can contact the Sec-
8 retary (or other appropriate authority as de-
9 scribed in section 6) if any of the rights are vio-
10 lated.

11 (b) LOCATION.—The notice described under sub-
12 section (a) shall be posted—

13 (1) in conspicuous places on the premises of the
14 employer, where notices to employees (including ap-
15 plicants) are customarily posted; or

16 (2) in employee handbooks.

17 (c) VIOLATION; PENALTY.—Any employer who will-
18 fully violates the posting requirements of this section shall
19 be subject to a civil fine in an amount not to exceed \$100
20 for each separate offense.

21 **SEC. 105. PROHIBITED ACTS.**

22 (a) INTERFERENCE WITH RIGHTS.—

23 (1) EXERCISE OF RIGHTS.—It shall be unlawful
24 for any employer to interfere with, restrain, or deny

1 the exercise of, or the attempt to exercise, any right
2 provided under this Act, including—

3 (A) discharging or discriminating against
4 (including retaliating against) any individual,
5 including a job applicant, for exercising, or at-
6 tempting to exercise, any right provided under
7 this Act;

8 (B) using the taking of paid sick time
9 under this Act as a negative factor in an em-
10 ployment action, such as hiring, promotion, re-
11 ducing hours or number of shifts, or a discipli-
12 nary action; or

13 (C) counting the paid sick time under a
14 no-fault attendance policy or any other absence
15 control policy.

16 (2) DISCRIMINATION.—It shall be unlawful for
17 any employer to discharge or in any other manner
18 discriminate against (including retaliating against)
19 any individual, including a job applicant, for oppos-
20 ing any practice made unlawful by this Act.

21 (b) INTERFERENCE WITH PROCEEDINGS OR INQUIR-
22 IES.—It shall be unlawful for any person to discharge or
23 in any other manner discriminate against (including retali-
24 ating against) any individual, including a job applicant,
25 because such individual—

1 (1) has filed an action, or has instituted or
2 caused to be instituted any proceeding, under or re-
3 lated to this Act;

4 (2) has given, or is about to give, any informa-
5 tion in connection with any inquiry or proceeding re-
6 lating to any right provided under this Act; or

7 (3) has testified, or is about to testify, in any
8 inquiry or proceeding relating to any right provided
9 under this Act.

10 (c) CONSTRUCTION.—Nothing in this section shall be
11 construed to state or imply that the scope of the activities
12 prohibited by section 105 of the Family and Medical Leave
13 Act of 1993 (29 U.S.C. 2615) is less than the scope of
14 the activities prohibited by this section.

15 **SEC. 106. ENFORCEMENT AUTHORITY.**

16 (a) IN GENERAL.—

17 (1) DEFINITION.—In this subsection—

18 (A) the term “employee” means an em-
19 ployee described in subparagraph (A) or (B) of
20 section 2(4); and

21 (B) the term “employer” means an em-
22 ployer described in subclause (I) or (II) of sec-
23 tion 2(5)(A)(i).

24 (2) INVESTIGATIVE AUTHORITY.—

1 (A) IN GENERAL.—To ensure compliance
2 with the provisions of this Act, or any regula-
3 tion or order issued under this Act, the Sec-
4 retary shall have, subject to subparagraph (C),
5 the investigative authority provided under sec-
6 tion 11(a) of the Fair Labor Standards Act of
7 1938 (29 U.S.C. 211(a)), with respect to em-
8 ployers, employees, and other individuals af-
9 fected.

10 (B) OBLIGATION TO KEEP AND PRESERVE
11 RECORDS.—An employer shall make, keep, and
12 preserve records pertaining to compliance with
13 this Act in accordance with section 11(c) of the
14 Fair Labor Standards Act of 1938 (29 U.S.C.
15 211(c)) and in accordance with regulations pre-
16 scribed by the Secretary.

17 (C) REQUIRED SUBMISSIONS GENERALLY
18 LIMITED TO AN ANNUAL BASIS.—The Secretary
19 shall not require, under the authority of this
20 paragraph, an employer to submit to the Sec-
21 retary any books or records more than once
22 during any 12-month period, unless the Sec-
23 retary has reasonable cause to believe there
24 may exist a violation of this Act or any regula-
25 tion or order issued pursuant to this Act, or is

1 investigating a charge pursuant to paragraph
2 (4).

3 (D) SUBPOENA AUTHORITY.—For the pur-
4 poses of any investigation provided for in this
5 paragraph, the Secretary shall have the sub-
6 poena authority provided for under section 9 of
7 the Fair Labor Standards Act of 1938 (29
8 U.S.C. 209).

9 (3) CIVIL ACTION BY EMPLOYEES OR INDIVID-
10 UALS.—

11 (A) RIGHT OF ACTION.—An action to re-
12 cover the damages or equitable relief prescribed
13 in subparagraph (B) may be maintained
14 against any employer in any Federal or State
15 court of competent jurisdiction by one or more
16 employees or individuals or their representative
17 for and on behalf of—

18 (i) the employees or individuals; or
19 (ii) the employees or individuals and
20 others similarly situated.

21 (B) LIABILITY.—Any employer who vio-
22 lates section 5 (including a violation relating to
23 rights provided under section 3) shall be liable
24 to any employee or individual affected—

25 (i) for damages equal to—

- 1 (I) the amount of—
- 2 (aa) any wages, salary, em-
- 3 ployment benefits, or other com-
- 4 pensation denied or lost by rea-
- 5 son of the violation; or
- 6 (bb) in a case in which
- 7 wages, salary, employment bene-
- 8 fits, or other compensation have
- 9 not been denied or lost, any ac-
- 10 tual monetary losses sustained as
- 11 a direct result of the violation up
- 12 to a sum equal to 56 hours of
- 13 wages or salary for the employee
- 14 or individual, or the specified pe-
- 15 riod described in section 3(c)(3),
- 16 or a combination of those hours
- 17 and that period, as the case may
- 18 be;
- 19 (II) the interest on the amount
- 20 described in subclause (I) calculated
- 21 at the prevailing rate; and
- 22 (III) an additional amount as liq-
- 23 uidated damages; and

1 (ii) for such equitable relief as may be
2 appropriate, including employment, rein-
3 statement, and promotion.

4 (C) FEES AND COSTS.—The court in an
5 action under this paragraph shall, in addition to
6 any judgment awarded to the plaintiff, allow a
7 reasonable attorney’s fee, reasonable expert wit-
8 ness fees, and other costs of the action to be
9 paid by the defendant.

10 (4) ACTION BY THE SECRETARY.—

11 (A) ADMINISTRATIVE ACTION.—The Sec-
12 retary shall receive, investigate, and attempt to
13 resolve complaints of violations of section 5 (in-
14 cluding a violation relating to rights provided
15 under section 3) in the same manner that the
16 Secretary receives, investigates, and attempts to
17 resolve complaints of violations of sections 6
18 and 7 of the Fair Labor Standards Act of 1938
19 (29 U.S.C. 206 and 207).

20 (B) CIVIL ACTION.—The Secretary may
21 bring an action in any court of competent juris-
22 diction to recover the damages described in
23 paragraph (3)(B)(i).

24 (C) SUMS RECOVERED.—Any sums recov-
25 ered by the Secretary pursuant to subparagraph

1 (B) shall be held in a special deposit account
2 and shall be paid, on order of the Secretary, di-
3 rectly to each employee or individual affected.
4 Any such sums not paid to an employee or indi-
5 vidual affected because of inability to do so
6 within a period of 3 years shall be deposited
7 into the Treasury of the United States as mis-
8 cellaneous receipts.

9 (5) LIMITATION.—

10 (A) IN GENERAL.—Except as provided in
11 subparagraph (B), an action may be brought
12 under paragraph (3), (4), or (6) not later than
13 2 years after the date of the last event consti-
14 tuting the alleged violation for which the action
15 is brought.

16 (B) WILLFUL VIOLATION.—In the case of
17 an action brought for a willful violation of sec-
18 tion 5 (including a willful violation relating to
19 rights provided under section 3), such action
20 may be brought within 3 years of the date of
21 the last event constituting the alleged violation
22 for which such action is brought.

23 (C) COMMENCEMENT.—In determining
24 when an action is commenced under paragraph
25 (3), (4), or (6) for the purposes of this para-

1 graph, it shall be considered to be commenced
2 on the date when the complaint is filed.

3 (6) ACTION FOR INJUNCTION BY SECRETARY.—

4 The district courts of the United States shall have
5 jurisdiction, for cause shown, in an action brought
6 by the Secretary—

7 (A) to restrain violations of section 5 (in-
8 cluding a violation relating to rights provided
9 under section 3), including the restraint of any
10 withholding of payment of wages, salary, em-
11 ployment benefits, or other compensation, plus
12 interest, found by the court to be due to em-
13 ployees or individuals eligible under this Act; or

14 (B) to award such other equitable relief as
15 may be appropriate, including employment, re-
16 instatement, and promotion.

17 (7) SOLICITOR OF LABOR.—The Solicitor of
18 Labor may appear for and represent the Secretary
19 on any litigation brought under paragraph (4) or
20 (6).

21 (8) GOVERNMENT ACCOUNTABILITY OFFICE
22 AND LIBRARY OF CONGRESS.—Notwithstanding any
23 other provision of this subsection, in the case of the
24 Government Accountability Office and the Library of
25 Congress, the authority of the Secretary of Labor

1 under this subsection shall be exercised respectively
2 by the Comptroller General of the United States and
3 the Librarian of Congress.

4 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
5 COUNTABILITY ACT OF 1995.—The powers, remedies, and
6 procedures provided in the Congressional Accountability
7 Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as de-
8 fined in section 101 of that Act (2 U.S.C. 1301)), or any
9 person, alleging a violation of subsection (a)(1) of section
10 202 of that Act (2 U.S.C. 1312) shall be the powers, rem-
11 edies, and procedures this Act provides to that Board, or
12 any person, alleging an unlawful employment practice in
13 violation of this Act against an employee described in sec-
14 tion 2(4)(C).

15 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
16 3, UNITED STATES CODE.—The powers, remedies, and
17 procedures provided in chapter 5 of title 3, United States
18 Code, to the President, the Merit Systems Protection
19 Board, or any person, alleging a violation of section
20 412(a)(1) of that title, shall be the powers, remedies, and
21 procedures this Act provides to the President, that Board,
22 or any person, respectively, alleging an unlawful employ-
23 ment practice in violation of this Act against an employee
24 described in section 2(4)(D).

1 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
2 5, UNITED STATES CODE.—The powers, remedies, and
3 procedures provided in title 5, United States Code, to an
4 employing agency, provided in chapter 12 of that title to
5 the Merit Systems Protection Board, or provided in that
6 title to any person, alleging a violation of chapter 63 of
7 that title shall be the powers, remedies, and procedures
8 this Act provides to that agency, that Board, or any per-
9 son, respectively, alleging an unlawful employment prac-
10 tice in violation of this Act against an employee described
11 in section 2(4)(E).

12 (e) REMEDIES FOR STATE EMPLOYEES.—

13 (1) WAIVER OF SOVEREIGN IMMUNITY.—A
14 State's receipt or use of Federal financial assistance
15 for any program or activity of a State shall con-
16 stitute a waiver of sovereign immunity, under the
17 11th Amendment to the Constitution or otherwise,
18 to a suit brought by an employee of that program
19 or activity under this Act for equitable, legal, or
20 other relief authorized under this Act.

21 (2) OFFICIAL CAPACITY.—An official of a State
22 may be sued in the official capacity of the official by
23 any employee who has complied with the procedures
24 under subsection (a)(3), for injunctive relief that is
25 authorized under this Act. In such a suit the court

1 may award to the prevailing party those costs au-
2 thorized by section 722 of the Revised Statutes (42
3 U.S.C. 1988).

4 (3) APPLICABILITY.—With respect to a par-
5 ticular program or activity, paragraph (1) applies to
6 conduct occurring on or after the day, after the date
7 of enactment of this Act, on which a State first re-
8 ceives or uses Federal financial assistance for that
9 program or activity.

10 (4) DEFINITION OF PROGRAM OR ACTIVITY.—In
11 this subsection, the term “program or activity” has
12 the meaning given the term in section 606 of the
13 Civil Rights Act of 1964 (42 U.S.C. 2000d–4a).

14 **SEC. 107. EDUCATION AND OUTREACH.**

15 The Secretary may conduct a public awareness cam-
16 paign to educate and inform the public of the require-
17 ments for paid sick time required by this Act.

18 **SEC. 108. COLLECTION OF DATA ON PAID SICK TIME AND**
19 **FURTHER STUDY.**

20 (a) COMPILATION OF INFORMATION.—The Commis-
21 sioner of Labor Statistics shall annually compile informa-
22 tion on the following:

23 (1) The amount of paid sick time available to
24 employees by occupation and type of employment es-
25 tablishment.

1 (2) An estimate of the average sick time used
2 by employees according to occupation and the type
3 of employment establishment.

4 (b) GAO STUDY.—Not later than 5 years after the
5 date of enactment of this Act, the Comptroller General
6 of the United States shall conduct a study to evaluate the
7 implementation of this Act. Such study shall include an
8 estimation of employees' access to paid sick time, employ-
9 ees' awareness of their rights under this Act, and employ-
10 ers' experiences complying with this Act. Such study shall
11 take into account access, awareness and experiences of
12 employees by race, ethnicity, gender, and occupation.

13 (c) REPORT.—Upon completion of the study required
14 by subsection (b), the Comptroller General of the United
15 States shall prepare and submit a report to the appro-
16 priate committees of Congress concerning the results of
17 the study and the information compiled pursuant to sub-
18 section (a).

19 **SEC. 109. EFFECT ON OTHER LAWS.**

20 (a) FEDERAL AND STATE ANTIDISCRIMINATION
21 LAWS.—Nothing in this Act shall be construed to modify
22 or affect any Federal or State law prohibiting discrimina-
23 tion on the basis of race, religion, color, national origin,
24 sex, age, disability, sexual orientation, gender identity,

1 marital status, familial status, or any other protected sta-
2 tus.

3 (b) STATE AND LOCAL LAWS.—Nothing in this Act
4 shall be construed to supersede (including preempting)
5 any provision of any State or local law that provides great-
6 er paid sick time or leave rights (including greater
7 amounts of paid sick time or leave, or greater coverage
8 of those eligible for paid sick time or leave) than the rights
9 established under this Act.

10 **SEC. 110. EFFECT ON EXISTING EMPLOYMENT BENEFITS.**

11 (a) MORE PROTECTIVE.—Nothing in this Act shall
12 be construed to diminish the obligation of an employer to
13 comply with any contract, collective bargaining agreement,
14 or any employment benefit program or plan that provides
15 greater paid sick leave or other leave rights to employees
16 or individuals than the rights established under this Act.

17 (b) LESS PROTECTIVE.—The rights established for
18 employees under this Act shall not be diminished by any
19 contract, collective bargaining agreement, or any employ-
20 ment benefit program or plan.

21 **SEC. 111. ENCOURAGEMENT OF MORE GENEROUS LEAVE**
22 **POLICIES.**

23 Nothing in this Act shall be construed to discourage
24 employers from adopting or retaining leave policies more

1 generous than policies that comply with the requirements
2 of this Act.

3 **SEC. 112. REGULATIONS.**

4 (a) IN GENERAL.—

5 (1) AUTHORITY.—Except as provided in para-
6 graph (2) and subject to subsection (e), not later
7 than 180 days after the date of enactment of this
8 Act, the Secretary shall prescribe such regulations
9 as are necessary to carry out this Act with respect
10 to employees described in subparagraph (A) or (B)
11 of section 2(4) and other individuals affected by em-
12 ployers described in subclause (I) or (II) of section
13 2(5)(A)(i).

14 (2) GOVERNMENT ACCOUNTABILITY OFFICE; LI-
15 BRARY OF CONGRESS.—Subject to subsection (e),
16 the Comptroller General of the United States and
17 the Librarian of Congress shall prescribe the regula-
18 tions with respect to employees of the Government
19 Accountability Office and the Library of Congress,
20 respectively, and other individuals affected by the
21 Comptroller General of the United States and the
22 Librarian of Congress, respectively.

23 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
24 COUNTABILITY ACT OF 1995.—

1 (1) AUTHORITY.—Subject to subsection (e), not
2 later than 90 days after the Secretary prescribes
3 regulations under subsection (a), the Board of Di-
4 rectors of the Office of Compliance shall prescribe
5 (in accordance with section 304 of the Congressional
6 Accountability Act of 1995 (2 U.S.C. 1384)) such
7 regulations as are necessary to carry out this Act
8 with respect to employees described in section
9 2(4)(C) and other individuals affected by employers
10 described in section 2(5)(A)(i)(III).

11 (2) AGENCY REGULATIONS.—The regulations
12 prescribed under paragraph (1) shall be the same as
13 substantive regulations promulgated by the Sec-
14 retary to carry out this Act except insofar as the
15 Board may determine, for good cause shown and
16 stated together with the regulations prescribed
17 under paragraph (1), that a modification of such
18 regulations would be more effective for the imple-
19 mentation of the rights and protections involved
20 under this section.

21 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
22 3, UNITED STATES CODE.—

23 (1) AUTHORITY.—Subject to subsection (e), not
24 later than 90 days after the Secretary prescribes
25 regulations under subsection (a), the President (or

1 the designee of the President) shall prescribe such
2 regulations as are necessary to carry out this Act
3 with respect to employees described in section
4 2(4)(D) and other individuals affected by employers
5 described in section 2(5)(A)(i)(IV).

6 (2) AGENCY REGULATIONS.—The regulations
7 prescribed under paragraph (1) shall be the same as
8 substantive regulations promulgated by the Sec-
9 retary to carry out this Act except insofar as the
10 President (or designee) may determine, for good
11 cause shown and stated together with the regula-
12 tions prescribed under paragraph (1), that a modi-
13 fication of such regulations would be more effective
14 for the implementation of the rights and protections
15 involved under this section.

16 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE
17 5, UNITED STATES CODE.—

18 (1) AUTHORITY.—Subject to subsection (e), not
19 later than 90 days after the Secretary prescribes
20 regulations under subsection (a), the Director of the
21 Office of Personnel Management shall prescribe such
22 regulations as are necessary to carry out this Act
23 with respect to employees described in section
24 2(4)(E) and other individuals affected by employers
25 described in section 2(5)(A)(i)(V).

1 (2) AGENCY REGULATIONS.—The regulations
2 prescribed under paragraph (1) shall be the same as
3 substantive regulations promulgated by the Sec-
4 retary to carry out this Act except insofar as the Di-
5 rector may determine, for good cause shown and
6 stated together with the regulations prescribed
7 under paragraph (1), that a modification of such
8 regulations would be more effective for the imple-
9 mentation of the rights and protections involved
10 under this section.

11 (e) IMMEDIATE COMPLIANCE.—The rights and re-
12 sponsibilities specified in this Act shall take effect on the
13 date of enactment of this Act and employers and other
14 persons subject to those responsibilities shall comply im-
15 mediately, without regard whether regulations have been
16 prescribed under this section.

17 **SEC. 113. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated to carry out
19 this Act such sums as may be necessary for fiscal year
20 2020 and each subsequent fiscal year.

21 **SEC. 114. EFFECTIVE DATES.**

22 (a) IN GENERAL.—This Act takes effect on the date
23 of enactment of this Act.

24 (b) PREVIOUS DECLARATIONS.—If a public health
25 emergency was declared before and remains in effect on

1 the date of enactment of this Act, for purposes of this
2 Act (and in particular section 3(c) of this Act) the public
3 health emergency shall be considered to have been de-
4 clared on the date of enactment of this Act.

5 **DIVISION G—HEALTH**
6 **PROVISIONS**

7 **SEC. 101. COVERAGE OF TESTING FOR COVID-19.**

8 (a) IN GENERAL.—A group health plan and a health
9 insurance issuer offering group or individual health insur-
10 ance coverage (including a grandfathered health plan (as
11 defined in section 1251(e) of the Patient Protection and
12 Affordable Care Act)) shall provide coverage, and shall not
13 impose any cost sharing (including deductibles, copay-
14 ments, and coinsurance) requirements or prior authoriza-
15 tion or other medical management requirements, for the
16 following items and services furnished during any portion
17 of the emergency period defined in paragraph (1)(B) of
18 section 1135(g) of the Social Security Act (42 U.S.C.
19 1320b-5(g)) beginning on or after the date of the enact-
20 ment of this Act:

21 (1) In vitro diagnostic products (as defined in
22 section 809.3(a) of title 21, Code of Federal Regula-
23 tions) for the detection of SARS-CoV-2 or the diag-
24 nosis of the virus that causes COVID-19 that are
25 approved, cleared, or authorized under section

1 510(k), 513, 515 or 564 of the Federal Food, Drug,
2 and Cosmetic Act, and the administration of such in
3 vitro diagnostic products.

4 (2) Health care provider office visits, urgent
5 care center visits, and emergency room visits that
6 result in an order for or administration of an in
7 vitro diagnostic product described in paragraph (1).

8 (b) ENFORCEMENT.—The provisions of subsection
9 (a) shall be applied by the Secretary of Health and Human
10 Services, Secretary of Labor, and Secretary of the Treas-
11 ury to group health plans and health insurance issuers of-
12 fering group or individual health insurance coverage as if
13 included in the provisions of part A of title XXVII of the
14 Public Health Service Act, part 7 of the Employee Retire-
15 ment Income Security Act of 1974, and subchapter B of
16 chapter 100 of the Internal Revenue Code of 1986, as ap-
17 plicable.

18 (c) IMPLEMENTATION.—The Secretary of Health and
19 Human Services, Secretary of Labor, and Secretary of the
20 Treasury may implement the provisions of this section
21 through sub-regulatory guidance, program instruction or
22 otherwise.

23 (d) TERMS.—The terms “group health plan”; “health
24 insurance issuer”; “group health insurance coverage”, and
25 “individual health insurance coverage” have the meanings

1 given such terms in section 2791 of the Public Health
2 Service Act (42 U.S.C. 300gg–91), section 733 of the Em-
3 ployee Retirement Income Security Act of 1974 (29
4 U.S.C. 1191b), and section 9832 of the Internal Revenue
5 Code of 1986, as applicable.

6 **SEC. 102. WAIVING COST SHARING UNDER THE MEDICARE**
7 **PROGRAM FOR CERTAIN VISITS RELATING**
8 **TO TESTING FOR COVID-19.**

9 (a) IN GENERAL.—Section 1833 of the Social Secu-
10 rity Act (42 U.S.C. 1395l) is amended—

11 (1) in subsection (a)(1)—

12 (A) by striking “and” before “(CC)”; and

13 (B) by inserting before the period at the
14 end the following: “, and (DD) with respect to
15 a specified COVID–19 testing-related service
16 described in paragraph (1) of subsection (cc)
17 for which payment may be made under a speci-
18 fied outpatient payment provision described in
19 paragraph (2) of such subsection, the amounts
20 paid shall be 100 percent of the payment
21 amount otherwise recognized under such respec-
22 tive specified outpatient payment provision for
23 such service,”;

24 (2) in subsection (b), in the first sentence—

25 (A) by striking “and” before “(10)”; and

1 (B) by inserting before the period at the
2 end the following: “, and (11) such deductible
3 shall not apply with respect to any specified
4 COVID–19 testing-related service described in
5 paragraph (1) of subsection (cc) for which pay-
6 ment may be made under a specified outpatient
7 payment provision described in paragraph (2)
8 of such subsection”; and

9 (3) by adding at the end the following new sub-
10 section:

11 “(cc) SPECIFIED COVID–19 TESTING-RELATED
12 SERVICES.—For purposes of subsection (a)(1)(DD):

13 “(1) DESCRIPTION.—

14 “(A) IN GENERAL.—A specified COVID–
15 19 testing-related service described in this para-
16 graph is a medical visit that—

17 “(i) is in any of the categories of
18 HCPCS evaluation and management serv-
19 ice codes described in subparagraph (B);

20 “(ii) is furnished during any portion
21 of the emergency period (as defined in sec-
22 tion 1135(g)(1)(B) (beginning on or after
23 the date of the date of the enactment of
24 this subsection); and

1 “(iii) results in an order for or admin-
2 istration of a diagnostic test described in
3 section 1852(a)(1)(B)(iv)(IV).

4 “(B) CATEGORIES OF HCPCS CODES.—For
5 purposes of subparagraph (A), the categories of
6 HCPCS evaluation and management services
7 codes are the following:

8 “(i) Office and other outpatient serv-
9 ices.

10 “(ii) Hospital observation services.

11 “(iii) Emergency department services.

12 “(iv) Nursing facility services.

13 “(v) Domiciliary, rest home, or custo-
14 dial care services.

15 “(vi) Home services.

16 “(2) SPECIFIED OUTPATIENT PAYMENT PROVI-
17 SION.—A specified outpatient payment provision de-
18 scribed in this paragraph is any of the following:

19 “(A) The hospital outpatient prospective
20 payment system under subsection (t).

21 “(B) The physician fee schedule under sec-
22 tion 1848.

23 “(C) The prospective payment system de-
24 veloped under section 1834(o).

1 “(D) Section 1834(g), with respect to an
2 outpatient critical access hospital service.

3 “(E) The payment basis determined in
4 regulations pursuant to section 1833(a)(3) for
5 rural health clinic services.”.

6 (b) CLAIMS MODIFIER.—The Secretary of Health
7 and Human Services shall provide for an appropriate
8 modifier (or other identifier) to include on claims to iden-
9 tify, for purposes of subparagraph (DD) of section
10 1833(a)(1), as added by subsection (a), specified COVID-
11 19 testing-related services described in paragraph (1) of
12 section 1833(cc) of the Social Security Act, as added by
13 subsection (a), for which payment may be made under a
14 specified outpatient payment provision described in para-
15 graph (2) of such subsection.

16 (c) IMPLEMENTATION.—Notwithstanding any other
17 provision of law, the Secretary of Health and Human
18 Services may implement the provisions of, including
19 amendments made by, this section through program in-
20 struction or otherwise.

1 **SECTION 103. COVERAGE OF TESTING FOR COVID-19 AT NO**
2 **COST SHARING UNDER THE MEDICARE AD-**
3 **VANTAGE PROGRAM.**

4 (a) IN GENERAL.—Section 1852(a)(1)(B) of the So-
5 cial Security Act (42 U.S.C. 1395w-22(a)(1)(B)) is
6 amended—

7 (1) in clause (iv)—

8 (A) by redesignating subclause (IV) as
9 subclause (VI); and

10 (B) by inserting after subclause (III) the
11 following new subclauses:

12 “(IV) Clinical diagnostic labora-
13 tory test administered during any por-
14 tion of the emergency period defined
15 in paragraph (1)(B) of section
16 1135(g) beginning on or after the
17 date of the enactment of the Families
18 First Coronavirus Response Act for
19 the detection of SARS-CoV-2 or the
20 diagnosis of the virus that causes
21 COVID-19 and the administration of
22 such test.

23 “(V) Specified COVID-19 test-
24 ing-related services (as described in
25 section 1833(cc)(1)) for which pay-
26 ment would be payable under a speci-

1 fied outpatient payment provision de-
2 scribed in section 1833(cc)(2).”;

3 (2) in clause (v), by inserting “, other than sub-
4 clauses (IV) and (V) of such clause,” after “clause
5 (iv)”;

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

8 “(vi) PROHIBITION OF APPLICATION
9 OF CERTAIN REQUIREMENTS FOR COVID-19
10 TESTING.—In the case of a product or
11 service described in subclause (IV) or (V),
12 respectively, of clause (iv) that is adminis-
13 tered or furnished during any portion of
14 the emergency period described in such
15 subclause beginning on or after the date of
16 the enactment of this clause, an MA plan
17 may not impose any prior authorization or
18 other utilization management requirements
19 with respect to the coverage of such a
20 product or service under such plan.”.

21 (b) IMPLEMENTATION.—Notwithstanding any other
22 provision of law, the Secretary of Health and Human
23 Services may implement the amendments made by this
24 section by program instruction or otherwise.

1 **SECTION 104. COVERAGE AT NO COST SHARING OF COVID-**
2 **19 TESTING UNDER MEDICAID AND CHIP.**

3 (a) MEDICAID.—

4 (1) IN GENERAL.—Section 1905(a)(3) of the
5 Social Security Act (42 U.S.C. 1396d(a)(3)) is
6 amended—

7 (A) by striking “other laboratory” and in-
8 serting “(A) other laboratory”;

9 (B) by inserting “and” after the semicolon;
10 and

11 (C) by adding at the end the following new
12 subparagraph:

13 “(B) in vitro diagnostic products (as defined in
14 section 809.3(a) of title 21, Code of Federal Regula-
15 tions) administered during any portion of the emer-
16 gency period defined in paragraph (1)(B) of section
17 1135(g) beginning on or after the date of the enact-
18 ment of this subparagraph for the detection of
19 SARS-CoV-2 or the diagnosis of the virus that
20 causes COVID-19 that are approved, cleared, or au-
21 thORIZED under section 510(k), 513, 515 or 564 of
22 the Federal Food, Drug, and Cosmetic Act, and the
23 administration of such in vitro diagnostic products;”.

24 (2) NO COST SHARING.—

1 (A) IN GENERAL.—Subsections (a)(2) and
2 (b)(2) of section 1916 of the Social Security
3 Act (42 U.S.C. 1396o) are each amended—

4 (i) in subparagraph (D), by striking
5 “or” at the end;

6 (ii) in subparagraph (E), by striking
7 “; and” and inserting a comma; and

8 (iii) by adding at the end the fol-
9 lowing new subparagraphs:

10 “(F) any in vitro diagnostic product de-
11 scribed in section 1905(a)(3)(B) that is admin-
12 istered during any portion of the emergency pe-
13 riod described in such section beginning on or
14 after the date of the enactment of this subpara-
15 graph (and the administration of such product),
16 or

17 “(G) any medical visit for which payment
18 may be made under the State plan, that is fur-
19 nished during any such portion of such emer-
20 gency period, and that relates to testing for
21 COVID-19; and”.

22 (B) APPLICATION TO ALTERNATIVE COST
23 SHARING.—Section 1916A(b)(3)(B) of the So-
24 cial Security Act (42 U.S.C. 1396o-1(b)(3)(B))

1 is amended by adding at the end the following
2 new clause:

3 “(xi) Any in vitro diagnostic product
4 described in section 1905(a)(3)(B) that is
5 administered during any portion of the
6 emergency period described in such section
7 beginning on or after the date of the enact-
8 ment of this clause (and the administration
9 of such product) and any visit described in
10 section 1916(a)(2)(G) that is furnished
11 during any such portion.”.

12 (C) CLARIFICATION.—The amendments
13 made this paragraph shall apply with respect to
14 a State plan of a territory in the same manner
15 as a State plan of one of the 50 States.

16 (3) STATE OPTION TO PROVIDE COVERAGE FOR
17 UNINSURED INDIVIDUALS.—

18 (A) IN GENERAL.—Section 1902(a)(10) of
19 the Social Security Act (42 U.S.C.
20 1396a(a)(10)) is amended—

21 (i) in subparagraph (A)(ii)—

22 (I) in subclause (XXI), by strik-
23 ing “or” at the end;

24 (II) in subclause (XXII), by add-
25 ing “or” at the end; and

1 (III) by adding at the end the
2 following new subclause:

3 “(XXIII) during any portion of
4 the emergency period defined in para-
5 graph (1)(B) of section 1135(g) be-
6 ginning on or after the date of the en-
7 actment of this subclause, who are un-
8 insured individuals (as defined in sub-
9 section (ss));” and

10 (ii) in the matter following subpara-
11 graph (G)—

12 (I) by striking “and (XVII)” and
13 inserting “, (XVII)”; and

14 (II) by inserting after “instead of
15 through subclause (VIII)” the fol-
16 lowing: “, and (XVIII) the medical as-
17 sistance made available to an unin-
18 sured individual (as defined in sub-
19 section (ss)) who is eligible for med-
20 ical assistance only because of sub-
21 paragraph (A)(ii)(XXIII) shall be lim-
22 ited to medical assistance for any in
23 vitro diagnostic product described in
24 section 1905(a)(3)(B) that is adminis-
25 tered during any portion of the emer-

1 agency period described in such section
2 beginning on or after the date of the
3 enactment of this subclause (and the
4 administration of such product) and
5 any visit described in section
6 1916(a)(2)(G) that is furnished dur-
7 ing any such portion”.

8 (B) RECEIPT AND INITIAL PROCESSING OF
9 APPLICATIONS AT CERTAIN LOCATIONS.—Sec-
10 tion 1902(a)(55) of the Social Security Act (42
11 U.S.C. 1396a(a)(55)) is amended, in the matter
12 preceding subparagraph (A), by striking “or
13 (a)(10)(A)(ii)(IX)” and inserting
14 “(a)(10)(A)(ii)(IX), or (a)(10)(A)(ii)(XXIII)”.

15 (C) UNINSURED INDIVIDUAL DEFINED.—
16 Section 1902 of the Social Security Act (42
17 U.S.C. 1396a) is amended by adding at the end
18 the following new subsection:

19 “(ss) UNINSURED INDIVIDUAL DEFINED.—For pur-
20 poses of this section, the term ‘uninsured individual’
21 means, notwithstanding any other provision of this title,
22 any individual who is—

23 “(1) not described in subsection (a)(10)(A)(i);
24 and

1 “(2) not enrolled in a Federal health care pro-
2 gram (as defined in section 1128B(f)), a group
3 health plan, group or individual health insurance
4 coverage offered by a health insurance issuer (as
5 such terms are defined in section 2791 of the Public
6 Health Service Act), or a health plan offered under
7 chapter 89 of title 5, United States Code.”.

8 (D) FEDERAL MEDICAL ASSISTANCE PER-
9 CENTAGE.—Section 1905(b) of the Social Secu-
10 rity Act (42 U.S.C. 1396d(b)) is amended by
11 adding at the end the following new sentence:
12 “Notwithstanding the first sentence of this sec-
13 tion, the Federal medical assistance percentage
14 shall be 100 per centum with respect to (and,
15 notwithstanding any other provision of this
16 title, available for) medical assistance provided
17 to uninsured individuals (as defined in section
18 1902(ss)) who are eligible for such assistance
19 only on the basis of section
20 1902(a)(10)(A)(ii)(XXIII) and with respect to
21 expenditures described in section 1903(a)(7)
22 that a State demonstrates to the satisfaction of
23 the Secretary are attributable to administrative
24 costs related to providing for such medical as-

1 sistance to such individuals under the State
2 plan.”.

3 (b) CHIP.—

4 (1) IN GENERAL.—Section 2103(c) of the So-
5 cial Security Act (42 U.S.C. 1397cc(e)) is amended
6 by adding at the end the following paragraph:

7 “(9) CERTAIN IN VITRO DIAGNOSTIC PRODUCTS
8 FOR COVID–19 TESTING.—The child health assist-
9 ance provided to a targeted low-income child shall
10 include coverage of any in vitro diagnostic product
11 described in section 1905(a)(3)(B) that is adminis-
12 tered during any portion of the emergency period de-
13 scribed in such section beginning on or after the
14 date of the enactment of this subparagraph (and the
15 administration of such product).”.

16 (2) COVERAGE FOR TARGETED LOW-INCOME
17 PREGNANT WOMEN.—Section 2112(b)(4) of the So-
18 cial Security Act (42 U.S.C. 1397ll(b)(4)) is amend-
19 ed by inserting “under section 2103(c)” after “same
20 requirements”.

21 (3) PROHIBITION OF COST SHARING.—Section
22 2103(e)(2) of the Social Security Act (42 U.S.C.
23 1397cc(e)(2)) is amended—

1 (A) in the paragraph header, by inserting
2 “, COVID–19 TESTING,” before “OR PREGNANCY-
3 RELATED ASSISTANCE”; and

4 (B) by striking “category of services de-
5 scribed in subsection (c)(1)(D) or” and insert-
6 ing “categories of services described in sub-
7 section (c)(1)(D), in vitro diagnostic products
8 described in subsection (c)(9) (and administra-
9 tion of such products), visits described in sec-
10 tion 1916(a)(2)(G), or”.

11 **SEC. 105. LABORATORY REIMBURSEMENT FOR DIAGNOSTIC**
12 **TESTING FOR COVID–19 IN UNINSURED INDI-**
13 **VIDUALS.**

14 (a) REIMBURSEMENT.—Through the National Dis-
15 aster Medical System under section 2812 of the Public
16 Health Service Act (42 U.S.C. 300hh–11), and in coordi-
17 nation with the Administrator of the Centers for Medicare
18 & Medicaid Services, the Secretary of Health and Human
19 Services shall, subject to the availability of appropriations
20 under subsection (c), pay the claims of laboratories for
21 reimbursement, as described in subsection (a)(3)(D) of
22 such section 2812, for health services consisting of diag-
23 nostic testing to detect or diagnose COVID–19 in unin-
24 sured individuals. The amount that will be paid shall be
25 equal to the amount that would have been paid to a physi-

1 cian or laboratory under Clinical Laboratory Fee Schedule
2 under section 1833(h)(8) of the Social Security Act.

3 (b) DEFINITION.—In this section, the term “unin-
4 sured individual” means an individual who is not enrolled
5 in—

6 (1) a Federal health care program (as defined
7 under section 1128B(f) of the Social Security Act
8 (42 U.S.C. 1320a–7b(f)); or

9 (2) a group health plan or health insurance cov-
10 erage offered by a health insurance issuer in the
11 group or individual market (as such terms are de-
12 fined in section 2791 of the Public Health Service
13 Act (42 U.S.C. 300gg–91)) or a health plan offered
14 under chapter 89 of title 5, United States Code.

15 (c) FUNDING.—To carry out this section, there is au-
16 thorized to be appropriated, and there is hereby appro-
17 priated, out of amounts in the Treasury not otherwise obli-
18 gated, \$1,000,000,000, to remain available until ex-
19 pended.

20 **SEC. 106. TREATMENT OF PERSONAL RESPIRATORY PRO-**
21 **TECTIVE DEVICES AS COVERED COUNTER-**
22 **MEASURES.**

23 Section 319F–3(i)(1) of the Public Health Service
24 Act (42 U.S.C. 247d–6d(i)(1)) is amended—

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

3 (2) in subparagraph (C), by striking the period
4 at the end and inserting “; or”; and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(D) a personal respiratory protective de-
8 vice that is—

9 “(i) approved by the National Insti-
10 tute for Occupational Safety and Health
11 under part 84 of title 42, Code of Federal
12 Regulations (or successor regulations);

13 “(ii) subject to the emergency use au-
14 thorization issued by the Secretary on
15 March 2, 2020, or subsequent emergency
16 use authorizations, pursuant to section 564
17 of the Federal Food, Drug, and Cosmetic
18 Act (authorizing emergency use of personal
19 respiratory protective devices during the
20 COVID–19 outbreak); and

21 “(iii) used during the period begin-
22 ning on January 31, 2020, and ending on
23 October 1, 2024, in response to the public
24 health emergency declared on January 31,
25 2020, pursuant to section 319 as a result

1 of confirmed cases of 2019 Novel
2 Coronavirus (2019-nCoV).”.

3 **SEC. 107. APPLICATION WITH RESPECT TO TRICARE, COV-**
4 **ERAGE FOR VETERANS, AND COVERAGE FOR**
5 **FEDERAL CIVILIANS.**

6 (a) TRICARE.—The Secretary of Defense may not re-
7 quire any copayment or other cost sharing under chapter
8 55 of title 10, United States Code, for in vitro diagnostic
9 products described in paragraph (1) of section 101(a) (or
10 the administration of such products) or visits described
11 in paragraph (2) of such section furnished during any por-
12 tion of the emergency period defined in paragraph (1)(B)
13 of section 1135(g) of the Social Security Act (42 U.S.C.
14 1320b–5(g)) beginning on or after the date of the enact-
15 ment of this Act.

16 (b) VETERANS.—The Secretary of Veterans Affairs
17 may not require any copayment or other cost sharing
18 under chapter 17 of title 38, United States Code, for in
19 vitro diagnostic products described in paragraph (1) of
20 section 101(a) (or the administration of such products)
21 or visits described in paragraph (2) of such section fur-
22 nished during any portion of the emergency period defined
23 in paragraph (1)(B) of section 1135(g) of the Social Secu-
24 rity Act (42 U.S.C. 1320b–5(g)) beginning on or after the
25 date of the enactment of this Act.

1 (c) FEDERAL CIVILIANS.—No copayment or other
2 cost sharing may be required for any individual occupying
3 a position in the civil service (as that term is defined in
4 section 2101(1) of title 5, United States Code) enrolled
5 in a health benefits plan, including any plan under chapter
6 89 of title 5, United States Code, or for any other indi-
7 vidual currently enrolled in any plan under chapter 89 of
8 title 5 for diagnostic tests” after “including any plan
9 under chapter 89 of title 5, United States Code), for in
10 vitro diagnostic products described in paragraph (1) of
11 section 101(a) (or the administration of such products)
12 or visits described in paragraph (2) of such section fur-
13 nished during any portion of the emergency period defined
14 in paragraph (1)(B) of section 1135(g) of the Social Secu-
15 rity Act (42 U.S.C. 1320b–5(g)) beginning on or after the
16 date of the enactment of this Act.

17 **SEC. 108. COVERAGE OF TESTING FOR COVID-19 AT NO**
18 **COST SHARING FOR INDIANS RECEIVING**
19 **CONTRACT HEALTH SERVICES.**

20 The Secretary of Health and Human Services shall
21 cover, without the imposition of any cost sharing require-
22 ments, the cost of providing any COVID-19 related items
23 and services as described in paragraph (1) of section
24 101(a) (or the administration of such products) or visits
25 described in paragraph (2) of such section furnished dur-

1 ing any portion of the emergency period defined in para-
2 graph (1)(B) of section 1135(g) of the Social Security Act
3 (42 U.S.C. 320b–5(g)) beginning on or after the date of
4 the enactment of this Act to Indians (as defined in section
5 4 of the Indian Health Care Improvement Act (25 U.S.C.
6 1603)) receiving health services through the Indian Health
7 Service, regardless of whether such items or services have
8 been authorized under the contract health services system
9 funded by the Indian Health Service or is covered as a
10 health service of the Indian Health Service.

11 **SEC. 109. TEMPORARY INCREASE OF MEDICAID FMAP.**

12 (a) IN GENERAL.—Subject to subsection (b), for each
13 calendar quarter occurring during the period beginning on
14 the first day of the emergency period defined in paragraph
15 (1)(B) of section 1135(g) of the Social Security Act (42
16 U.S.C. 1320b–5(g)) and ending on the last day of the cal-
17 endar quarter in which the last day of such emergency
18 period occurs, the Federal medical assistance percentage
19 determined for each State, including the District of Co-
20 lumbia, American Samoa, Guam, the Commonwealth of
21 the Northern Mariana Islands, Puerto Rico, and the
22 United States Virgin Islands, under section 1905(b) of the
23 Social Security Act (42 U.S.C. 1396d(b)) shall be in-
24 creased by 8 percentage points.

1 (b) REQUIREMENT FOR ALL STATES.—A State de-
2 scribed in subsection (a) may not receive the increase de-
3 scribed in such subsection in the Federal medical assist-
4 ance percentage for such State, with respect to a quarter,
5 if—

6 (1) eligibility standards, methodologies, or pro-
7 cedures under the State plan of such State under
8 title XIX of the Social Security Act (42 U.S.C. 1396
9 et seq.) (including any waiver under such title or
10 section 1115 of such Act (42 U.S.C. 1315)) are
11 more restrictive during such quarter than the eligi-
12 bility standards methodologies, or procedures, re-
13 spectively, under such plan (or waiver) as in effect
14 on January 1, 2020;

15 (2) the amount of any premium imposed by the
16 State pursuant to section 1916 or 1916A of such
17 Act (42 U.S.C. 1396o, 1396o–1) during such quar-
18 ter, with respect to an individual enrolled under such
19 plan (or waiver), exceeds the amount of such pre-
20 mium as of January 1, 2020;

21 (3) the State terminates or denies the enroll-
22 ment of any individual under such plan (or waiver)
23 during such quarter for a reason other than a fail-
24 ure to satisfy financial, categorical, and State resi-

1 dency requirements (as applicable) under such plan
2 (or waiver);

3 (4) the State does not provide coverage under
4 such plan (or waiver), without the imposition of cost
5 sharing, during such quarter for any testing services
6 and treatments for COVID–19, including vaccines,
7 specialized equipment, and therapies; or

8 (5) the State conducts during such quarter
9 periodic income checks, including automated income
10 checks, or eligibility redeterminations under such
11 plan (or waiver) at a rate more frequent than once
12 every 12 months.

13 (c) REQUIREMENT FOR CERTAIN STATES.—Section
14 1905(cc) of the Social Security Act (42 U.S.C. 1396d(cc))
15 is amended by striking “American Recovery and Reinvest-
16 ment Act of 2009.” and inserting “and section 109 of the
17 Families First Coronavirus Response Act, except that in
18 applying such treatments to the increases in the Federal
19 medical assistance percentage under section 109 of the
20 Families First Coronavirus Response Act, the reference to
21 ‘December 31, 2009’ shall be deemed to be a reference
22 to ‘March 11, 2020’.”.

1 **SEC. 110. INCREASE IN MEDICAID ALLOTMENTS FOR TER-**
2 **RITORIES.**

3 Section 1108(g) of the Social Security Act (42 U.S.C.
4 1308(g)) is amended—

5 (1) in paragraph (2)—

6 (A) in subparagraph (B)—

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

9 (ii) in clause (ii), by striking “for each
10 of fiscal years 2020 through 2021,
11 \$126,000,000;” and inserting “for fiscal
12 year 2020, \$129,500,000; and”; and

13 (iii) by adding at the end the fol-
14 lowing new clause:

15 “(iii) for fiscal year 2021,
16 \$128,500,000;”;

17 (B) in subparagraph (C)—

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

20 (ii) in clause (ii), by striking “for each
21 of fiscal years 2020 through 2021,
22 \$127,000,000;” and inserting “for fiscal
23 year 2020, \$132,000,000; and”; and

24 (iii) by adding at the end the fol-
25 lowing new clause:

1 “(iii) for fiscal year 2021,
2 \$130,500,000;”;

3 (C) in subparagraph (D)—

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

6 (ii) in clause (ii), by striking “for each
7 of fiscal years 2020 through 2021,
8 \$60,000,000; and” and inserting “for fis-
9 cal year 2020, \$64,000,000; and”; and

10 (iii) by adding at the end the fol-
11 lowing new clause:

12 “(iii) for fiscal year 2021,
13 \$63,000,000; and”; and

14 (D) in subparagraph (E)—

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

17 (ii) in clause (ii), by striking “for each
18 of fiscal years 2020 through 2021,
19 \$84,000,000.” and inserting “for fiscal
20 year 2020, \$87,000,000; and”; and

21 (iii) by adding at the end the fol-
22 lowing new clause:

23 “(iii) for fiscal year 2021,
24 \$86,000,000.”; and

25 (2) in paragraph (6)(A)—

1 (A) in clause (i), by striking
2 “\$2,623,188,000” and inserting
3 “\$2,743,188,000”; and
4 (B) in clause (ii), by striking
5 “\$2,719,072,000” and inserting
6 “\$2,804,072,000”.

7 **DIVISION H—BUDGETARY** 8 **EFFECTS**

9 **SEC. 101. BUDGETARY EFFECTS.**

10 (a) **STATUTORY PAYGO SCORECARDS.**—The budg-
11 etary effects of division B and each succeeding division
12 shall not be entered on either PAYGO scorecard main-
13 tained pursuant to section 4(d) of the Statutory Pay-As-
14 You-Go Act of 2010.

15 (b) **SENATE PAYGO SCORECARDS.**—The budgetary
16 effects of division B and each succeeding division shall not
17 be entered on any PAYGO scorecard maintained for pur-
18 poses of section 4106 of H. Con. Res. 71 (115th Con-
19 gress).

20 (c) **CLASSIFICATION OF BUDGETARY EFFECTS.**—
21 Notwithstanding Rule 3 of the Budget Scorekeeping
22 Guidelines set forth in the joint explanatory statement of
23 the committee of conference accompanying Conference Re-
24 port 105–217 and section 250(c)(8) of the Balanced
25 Budget and Emergency Deficit Control Act of 1985, the

1 budgetary effects of division B and each succeeding divi-
2 sion shall not be estimated—

3 (1) for purposes of section 251 of such Act; and

4 (2) for purposes of paragraph (4)(C) of section

5 3 of the Statutory Pay-As-You-Go Act of 2010 as

6 being included in an appropriation Act.