H. R. 6201

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2020

Mrs. Lowey (for herself, Mr. Scott of Virginia, Mr. Neal, Mr. Bishop of Georgia, Ms. DeLauro, Mr. Pallone, and Mr. Peterson) introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committees on the Budget, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

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

4 SEC. 2. TABLE OF CONTENTS.

5 The table of contents is as follows:

DIVISION A—SECOND CORONAVIRUS PREPAREDNESS AND RESPONSE SUPPLEMENTAL APPROPRIATIONS ACT, 2020
LANG 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

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

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Special Supplemental Nutrition Program for

Women, Infants, and Children (WIC)

For an additional amount for the “Special Supplemental Nutrition Program for Women, Infants, and Children”, $500,000,000, to remain available through September 30, 2021: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Commodity Assistance Program

For an additional amount for the “Commodity Assistance Program” for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), $400,000,000, to remain available through September 30, 2021: Provided, That of the funds made available, the Secretary may use up to $100,000,000 for costs associated with the distribution of commodities: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant
to section 251(b)(2)(A)(i) of the Balanced Budget and

GENERAL PROVISIONS—THIS TITLE

Sec. 101. (a) Public Health Emergency.—During fiscal year 2020, in any case in which a school is closed
for at least 5 consecutive days during a public health
emergency designation during which the school would other-
wise be in session, each household containing at least
1 member who is an eligible child attending the school
shall be eligible to receive assistance pursuant to a state
agency plan approved under subsection (b).

(b) Assistance.—To carry out this section, the Sec-
retary of Agriculture may approve State agency plans for
temporary emergency standards of eligibility and levels of
benefits under the Food and Nutrition Act of 2008 (7
Plans approved by the Secretary shall provide for supple-
mental allotments to households receiving benefits under
such Act, and issuances to households not already receiv-
ing benefits. Such level of benefits shall be determined by
the Secretary in an amount not less than the value of
meals at the free rate over the course of 5 school days
for each eligible child in the household.

(c) Minimum Closure Requirement.—The Sec-
retary of Agriculture shall not provide assistance under
this section in the case of a school that is closed for less than 5 consecutive days.

(d) Use of EBT System.—A State agency may provide assistance under this section through the EBT card system established under section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016).

(e) Release of Information.—Notwithstanding any other provision of law, the Secretary of Agriculture may authorize State educational agencies and school food authorities administering a school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) to release to appropriate officials administering the supplemental nutrition assistance program such information as may be necessary to carry out this section.

(f) Waivers.—To facilitate implementation of this section, the Secretary of Agriculture may approve waivers of the limits on certification periods otherwise applicable under section 3(f) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(f)), reporting requirements otherwise applicable under section 6(c) of such Act (7 U.S.C. 2015(c)), and other administrative requirements otherwise applicable to State agencies under such Act.

(g) Availability of Commodities.—During fiscal year 2020, the Secretary of Agriculture may purchase

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commodities for emergency distribution in any area of the United States during a public health emergency designation.

(h) DEFINITIONS.—In this section:

(1) The term “eligible child” means a child (as defined in section 12(d) or served under section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d), 1759(a)(1)) who, if not for the closure of the school attended by the child during a public health emergency designation and due to concerns about a COVID–19 outbreak, would receive free or reduced price school meals under the Richard B. Russell National School Lunch Act (42 U.S.C. 175l et seq.) at the school.

(2) The term “public health emergency designation” means the declaration—

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

(B) of a domestic emergency, based on an outbreak of SARS–CoV–2 or another
coronavirus with pandemic potential, by the Secretary of Homeland Security.

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

(i) FUNDING.—There are hereby appropriated to the Secretary of Agriculture such amounts as are necessary to carry out this section: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 102. In addition to amounts otherwise made available, $100,000,000, to remain available through September 30, 2021, shall be available for the Secretary of Agriculture to provide grants to the Commonwealth of the Northern Mariana Islands, Puerto Rico, and American Samoa for nutrition assistance in response to a COVID–19 public health emergency: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.
TITLE II

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

PROGRAM ADMINISTRATION

For an additional amount for “Program Administration”, $5,000,000, to remain available through September 30, 2022, to administer the emergency paid sick days program: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR COMMUNITY LIVING

AGING AND DISABILITY SERVICES PROGRAMS

For an additional amount for “Aging and Disability Services Programs”, $250,000,000, to remain available until September 30, 2021, for activities authorized under subparts 1 and 2 of part C, of title III, and under title VI, of the Older Americans Act of 1965, of which $160,000,000 shall be for Home-Delivered Nutrition Services, $80,000,000 shall be for Congregate Nutrition Services, and $10,000,000 shall be for Nutrition Services for Native Americans: Provided, That such amount is designated by the Congress as being for an emergency re-

TITLE III
GENERAL PROVISIONS—THIS ACT

Sec. 301. Not later than 30 days after the date of enactment of this Act, the head of each executive agency that receives funding in this Act shall provide a report detailing the anticipated uses of all such funding to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That each report shall include estimated personnel and administrative costs, as well as the total amount of funding apportioned, allotted, obligated, and expended, to date: Provided further, That each such plan shall be updated and submitted to such Committees every 60 days until all funds are expended or expire.

Sec. 302. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

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

Sec. 304. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities
and conditions applicable to such appropriations accounts for fiscal year 2020.

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

SEC. 306. Any amount appropriated by this Act, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this Act shall retain such designation.

This division may be cited as the “Second Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020”.
DIVISION B—NUTRITION
WAIVERS
TITLE I—MAINTAINING ESSENTIAL ACCESS TO LUNCH FOR STUDENTS ACT

SEC. 101. SHORT TITLE.

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

SEC. 102. WAIVER EXCEPTION FOR SCHOOL CLOSURES DUE TO COVID–19.


(b) Allowable Increase in Federal Costs.—Notwithstanding paragraph (4) of section 12(l) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(l)), the Secretary of Agriculture may grant a qualified COVID–19 waiver that increases Federal costs.

(c) Termination After Periodic Review.—The requirements under section 12(l)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(l)(5)) shall not apply to a qualified COVID–19 waiver.
(d) Qualified COVID–19 Waiver.—In this section, the term “qualified COVID–19 waiver” means a waiver—

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

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

TITLE II—COVID–19 CHILD NUTRITION RESPONSE ACT

SEC. 201. SHORT TITLE.

This title may be cited as the “COVID–19 Child Nutrition Response Act”.


(a) Nationwide Waiver.—

(1) In general.—Notwithstanding any other provision of law, the Secretary may establish a waiv-
er for all States under section 12(l) of the Richard
B. Russell National School Lunch Act (42 U.S.C.
1760(l)), for purposes of—

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

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

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

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

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

(b) CHILD AND ADULT CARE FOOD PROGRAM WAIV-
ER.—Notwithstanding any other provision of law, the Sec-
retary may grant a waiver under section 12(l) of the Rich-
ard B. Russell National School Lunch Act (42 U.S.C.
1760(l)) to allow non-congregate feeding under a child and
adult care food program under section 17 of the Richard
B. Russell National School Lunch Act (42 U.S.C. 1766)

if such waiver is for the purposes of—

(1) providing meals and meal supplements under such child and adult care food program; and

(2) carrying out paragraph (1) with appropriate safety measures with respect to COVID–19, as determined by the Secretary.

(c) Meal Pattern Waiver.—Notwithstanding paragraph (4)(A) of section 12(l) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(l)) the Secretary may grant a waiver under such section that relates to the nutritional content of meals served if the Secretary determines that—

(1) such waiver is necessary to provide meals and meal supplements under a qualified program; and

(2) there is a supply chain disruption with respect to foods served under such a qualified program and such disruption is due to COVID–19.

(d) Reports.—Each State that receives a waiver under subsection (a), (b), or (c), shall, not later than 1 year after the date such State received such waiver, submit a report to the Secretary that includes the following:

(1) A summary of the use of such waiver by the State and eligible service providers.
(2) A description of whether such waiver resulted in improved services to children.

(e) SUNSET.—The authority of the Secretary to establish or grant a waiver under this section shall expire on September 30, 2020.

(f) DEFINITIONS.—In this section:

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

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


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

(3) STATE.—The term “State” has the meaning given such term in section 12(d)(8) of the Rich-
TITLE III—SNAP WAIVERS

SEC. 301. SNAP FLEXIBILITY FOR LOW-INCOME JOBLESS WORKERS.

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

(b) Beginning on the month subsequent to the month the public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of COVID–19 is lifted for purposes of section 6(o) of the Food and Nutrition Act of 2008, such State agency shall
disregard any period during which an individual received
benefits under the supplemental nutrition assistance pro-
gram prior to such month.

SEC. 302. ADDITIONAL SNAP FLEXIBILITIES IN A PUBLIC
HEALTH EMERGENCY.

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

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

(2) may adjust at the request of State agencies
or in consultation with State agencies, by guidance,
issuance methods and application and reporting re-
requirements under the Food and Nutrition Act of 2008 to be consistent with what is practicable under actual conditions in affected areas. (In making this adjustment, the Secretary shall consider the availability of offices and personnel in State agencies, any conditions that make reliance on electronic benefit transfer systems described in section 7(h) of the Food and Nutrition Act of 2008 impracticable, any disruptions of transportation and communication facilities, and any health considerations that warrant alternative approaches.)

(b)(1) The Secretary of Agriculture shall make any requests submitted by State agencies under subsection (a), the Secretary’s approval or denial of such requests, and any guidance issued under subsection (a)(2) publicly available on the website of the Department of Agriculture.

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

(c) The Secretary of Agriculture shall, within 18 months after the public health emergency declaration described in subsection (a) is lifted, submit a report to the House and Senate Agriculture Committees with a description of the measures taken to address the food security
needs of affected populations during the emergency, any
information or data supporting State agency requests, any
additional measures that States requested that were not
approved, and recommendations for changes to the Sec-
retary’s authority under the Food and Nutrition Act of
2008 to assist the Secretary and States and localities in
preparations for any future health emergencies.

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

SEC. 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds the following:

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

(2) Hundreds of health care workers in the
United States have been infected or quarantined due
to exposure to patients with COVID–19. Surveys
conducted by health care worker unions and others
have found that many health care facilities are inad-
equately prepared to safely protect health care workers who are exposed to the virus.

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

(4) The Severe Acute Respiratory Syndrome (hereinafter referred to as “SARS”) epidemic of 2003 and 2004 in Canada, which involved a coronavirus, resulted in a disproportionately large number of infections of both health care workers and patients in Ontario, Canada, hospitals due to insufficient infection control procedures involving SARS.

(5) The Occupational Safety and Health Administration began rulemaking on a standard to protect health care workers from airborne and other infectious diseases in 2009. In 2017, the Trump Administration suspended work on this rulemaking, removing it from the active Regulatory Agenda.

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

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

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

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

(10) An Emergency Temporary Standard is necessary to ensure the immediate protection of workers in health care workplaces and other high-risk workplaces identified by the Centers for Disease
Control and Prevention and the Occupational Safety and Health Administration from infection related to COVID–19.

**TITLE I—COVID–19 EMERGENCY TEMPORARY STANDARD**

**SEC. 101. COVID–19 EMERGENCY TEMPORARY STANDARD.**

(a) Emergency Temporary Standard.—Pursuant to section 6(c)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(e)(1)), not later than 1 month after the date of enactment of this Act, the Secretary of Labor shall promulgate an emergency temporary standard to protect from occupational exposure to SARS–CoV–2—

1. employees of health care sector employers;

2. employees in other sectors whom the Centers for Disease Control and Prevention or the Occupational Safety and Health Administration identifies as having elevated risk.

(b) Permanent Standard.—Upon publication of the emergency standard under subsection (a), the Secretary of Labor shall commence a proceeding to promulgate a standard under section 6(c)(3) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(e)(3)) with respect to such emergency temporary standard.
(c) Requirements.—Each standard promulgated under this section shall—

(1) require the employers of the employees described in subsection (a) to develop and implement a comprehensive infectious disease exposure control plan; and

(2) at a minimum, be based on the precautions for severe acute respiratory syndrome (SARS) in the “2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings” of the Centers for Disease Control and Prevention and any subsequent updates; and

(3) provide no less protection for novel pathogens than precautions mandated by standards adopted by a State plan that has been approved by the Secretary of Labor under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667).
TITLE II—AMENDMENTS TO THE
SOCIAL SECURITY ACT

SEC. 201. APPLICATION OF COVID–19 EMERGENCY TEM-
PORARY STANDARD TO CERTAIN FACILITIES
RECEIVING MEDICARE FUNDS.

(a) In General.—Section 1866 of the Social Secu-
rity Act (42 U.S.C. 1395cc) is amended—

(1) in subsection (a)(1)—

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

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

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

“(Z) in the case of hospitals that are not otherwise subject to the Occupational Safety and Health Act of 1970 (or a State occupa-
tional safety and health plan that is approved under section 18(b) of such Act) and skilled nursing facilities that are not otherwise subject to such Act (or such a State occupational safety and health plan), to comply with the standards promulgated under section 101 of the Covid–19 Health Care Worker Protection Act of 2020.”; and
(2) in subsection (b)(4)—

(A) in subparagraph (A), by inserting “and a hospital or skilled nursing facility that fails to comply with the requirement of subsection (a)(1)(Z) (relating to the standards promulgated under section 101 of the Covid–19 Health Care Worker Protection Act of 2020)” after “Bloodborne Pathogens Standard”; and

(B) in subparagraph (B)—

(i) by striking “(a)(1)(U)” and inserting “(a)(1)(V)”;

(ii) by inserting “(or, in the case of a failure to comply with the requirement of subsection (a)(1)(Z), for a violation of the standards referred to in such subsection by a hospital or skilled nursing facility, as applicable, that is subject to the provisions of such Act)” before the period at the end.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply beginning on the date that is 1 month after the date of promulgation of the emergency temporary standard under section 101 of the COVID–19 Health Care Worker Protection Act of 2020.
DIVISION D—EMERGENCY PAID LEAVE ACT OF 2020

SEC. 101. SHORT TITLE.

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

SEC. 102. EMERGENCY PAID LEAVE BENEFITS.

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

“TITLE VI—EMERGENCY PAID LEAVE BENEFITS

SEC. 601. DEFINITIONS.

“In this title, the following definitions apply:

“(1) EMERGENCY LEAVE DAY.—

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

“(i) The individual has a current diagnosis of COVID–19.

“(ii) The individual is under quarantine (including self-imposed quarantine), at the instruction of a health care provider, employer, or a local, State, or Federal offi-
cial, in order to prevent the spread of COVID–19.

“(iii) The individual is engaged in caregiving for an individual who has a current diagnosis of COVID–19 or is under quarantine as described in clause (ii).

“(iv) The individual is engaged in caregiving, because of the COVID–19-related closing of a school or other care facility or care program, for a child or other individual unable to provide self-care.

“(B) LIMITATION.—No calendar day may be treated as an emergency leave day with respect to an individual if the individual—

“(i) received any form of compensation from an employer (other than State or private paid leave), including wages or any form of accrued paid leave, for such day; or

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

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

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

“(5) STATE.—The term ‘State’ means any State of the United States or the District of Columbia or any territory or possession of the United States.

“(6) STATE OR PRIVATE PAID LEAVE.—The term ‘State or private paid leave’ means a benefit which provides full or partial wage replacement to employees on the basis of specifically defined qualifying events described in section 102 of the Family and Medical Leave Act of 1993 or defined by a written employer policy or State law and which ends either when the qualifying event is no longer applicable or a set period of benefits is exhausted.

“(7) UNEMPLOYMENT COMPENSATION.—The term unemployment compensation means—
“(A) ‘regular compensation’, ‘extended compensation’, and ‘additional compensation’ (as such terms are defined by section 205 of the Federal-State Extended Unemployment Compensation Act (26 U.S.C. 3304 note)); and
“(B) assistance under section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177).
“(8) WAGES.—The term ‘wages’ has the meaning given such term in section 3121(a) of the Internal Revenue Code of 1986 for purposes of the taxes imposed by sections 3101(b) and 3111(b) of such Code.

“SEC. 602. EMERGENCY PAID LEAVE BENEFITS.
“(a) In General.—The Commissioner shall pay an emergency paid leave benefit, to be paid electronically or, if necessary, by mail, to each eligible individual for each 30-day period beginning and ending in the benefit period (not to exceed 3) for which the eligible individual has filed an application containing such certifications as required under subsection (e).
“(b) Benefit Amount.—
“(1) In General.—Subject to paragraph (2), the amount of the emergency paid leave benefit to which an individual is entitled under subsection (a)
for a 30-day period shall be an amount (not to exceed $4,000) equal to 2/3 of the individual’s average monthly earnings.

“(2) Reduction based on receipt of state or private paid leave.—The amount of an emergency paid leave benefit to which an individual is entitled under subsection (a) for a 30-day period shall be reduced by $1 for each dollar of State or private paid leave received by the individual for such period.

“(3) Average monthly earnings.—For purposes of this subsection, an individual’s average monthly earnings shall be equal to the quotient obtained by dividing—

“(A) the total of the wages and self-employment income received by the individual during the most recent calendar year preceding an application for an emergency paid leave benefit under this section for which data is available to the Commissioner; by

“(B) 12.

“(c) Benefit period.—For purposes of this section, the benefit period begins on January 19, 2020, and ends on the date that is 1 year after the date of enactment of this title.
“(d) Retroactive Benefits.—An application for benefits for any month beginning and ending in the benefit period may be filed at any time prior to the date that is 180 days after the end of such benefit period.

“(e) Application.—

“(1) In general.—An application for an emergency paid leave benefit under this section for a 30-day period shall include—

“(A) an attestation by the individual—

“(i) that he or she is an eligible individual;

“(ii) that at least 14 emergency leave days with respect to the individual occurred, or are expected to occur, during such period; and

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

“(2) Availability.—The Commissioner shall accept applications online, by telephone, and by mail.

“(3) Authentication of identity.—The Commissioner is authorized to take such steps as are necessary to authenticate the identity of applicants.
“(4) Penalties for fraud.—Any fraud or misrepresentation relating to an application for benefits under this title shall be treated as a violation of section 208.

“(f) Ineligibility Based on Fraud and Criminal Activity.—

“(1) Ineligibility following certain convictions.—An individual who has been convicted of a violation under section 208 or who has been found to have used false statements to secure benefits under this section shall be ineligible for benefits under this section.

“(2) Ineligibility of prisoners.—An individual shall be ineligible for a benefit under this section for any 30-day period with respect to which the individual is an individual described in clause (i), (ii), or (iii) of section 202(x)(1)(A).

“(g) Review of Eligibility and Benefit Payment Determinations.—

“(1) Burden of proof.—An application for benefits under this section shall be presumed to be true and accurate, unless the Commissioner demonstrates by a preponderance of the evidence that information contained in the application is false.

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

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

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

“(h) PROTECTION OF EXISTING BENEFIT RIGHTS.—

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

“(2) GREATER BENEFITS ALLOWED.—Nothing
in this title shall be construed to diminish the obli-
gation of an employer to comply with any contract,
collective bargaining agreement, or any employment
benefit program or plan that provides greater paid
leave or other leave rights to employees than the
rights established under this title.

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

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

“(k) NO EFFECT ON ELIGIBILITY FOR SSI.—Any
benefit paid to an individual under this title shall not be
regarded as income or resources for any month, for pur-
poses of determining the eligibility of the recipient (or the
recipient’s spouse or family) for benefits or assistance, or
the amount or extent of benefits or assistance, under the
Supplemental Security Income program.
“SEC. 603. FUNDING AND EXPEDITED IMPLEMENTATION AUTHORITY.

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

“(b) EXPEDITED IMPLEMENTATION AUTHORITY.—In order to expedite the implementation of the emergency paid leave program under this title, the Commissioner is authorized to waive existing Federal requirements regarding paperwork reduction, system of records notices, contracting and acquisitions, and hiring.

“(c) PROTECTION OF EXISTING EMPLOYEE RIGHTS.—This title does not preempt or supersede existing collective bargaining agreements.

“SEC. 604. PROTECTION OF SOCIAL SECURITY TRUST FUNDS.

“No funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, or appropriated to the Social Security Administration for the administration of titles II or XVI, may be used for any purpose under this title.
“SEC. 605. TAXATION OF EMERGENCY LEAVE BENEFITS.

“No amount received by an individual under this title shall be included in gross income for purposes of the Internal Revenue Code of 1986.”

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

(a) Public Health Emergency Leave.—Section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) is amended by adding at the end the following:

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

(b) Requirements.—Title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.) is amended by adding at the end the following:

“SEC. 110. PUBLIC HEALTH EMERGENCY LEAVE.

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

“(1) Application of certain terms.—The definitions in section 101 shall apply, except as follows:

“(A) Eligible employee.—In lieu of the definition in section 101(4)(A), the term ‘eligi-
ble employee’ means an individual who has been employed for at least 30 days by the employer with respect to whom leave is requested under section 102(a)(1)(F).

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

“(C) HEALTH CARE PROVIDER.—In section 101(6), the term ‘health care provider’ includes a nurse practitioner.

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

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

“(ii) A stepparent of the employee.

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

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

“(v) A legal guardian or other person who stood in loco parentis to an employee when the employee was a child.
“(2) ADDITIONAL DEFINITIONS.—In addition to the definitions described in paragraph (1), the following definitions shall apply with respect to leave under section 102(a)(1)(F):

“(A) QUALIFYING NEED RELATED TO A PUBLIC HEALTH EMERGENCY.—The term ‘qualifying need related to a public health emergency’, with respect to leave, means that a public health emergency has been declared in a location that includes the employee’s work (including the commuting route of the employee), residence, or community, and the employee has a need for leave for one of the following:

“(i) To comply with a recommendation or order by a health authority having jurisdiction or a health care provider on the basis that—

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

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

“(bb) exhibition of symptoms of coronavirus by the employee; and
“(II) the employee is unable to both perform the functions of the position of such employee and comply with such recommendation or order.

“(ii) To care for a family member of an eligible employee with respect to whom a health authority having jurisdiction or a health care provider makes a determination that the presence of the family member in the community would jeopardize the health of other individuals in the community because of—

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

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

“(iii) To care for the son or daughter of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.

“(B) Public health emergency.—The term ‘public health emergency’ means an emergency with respect to coronavirus declared by a Federal, State, or local authority.
“(C) Child care provider.—The term ‘child care provider’ means a provider who receives compensation for providing child care services on a regular basis, including an ‘eligible child care provider’ (as defined in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n)).

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

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

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

“(i) A parent of the employee.

“(ii) A spouse of the employee.

“(iii) A sibling of the employee.
“(iv) Next of kin of the employee or a person for whom the employee is next of kin.

“(v) A son or daughter of the employee.

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

“(b) Leave Taken Intermittently or on a Reduced Work Schedule.—

“(1) In general.—Subject to paragraph (2), leave taken under section 102(a)(1)(F) may not be taken intermittently or on a reduced work schedule.

“(2) Care for son or daughter.—Paragraph (1) shall not apply with respect to leave taken for the purpose described in subsection (a)(2)(A)(iii) if the son or daughter of the employee with respect to whom the subsection applies has not been exposed to coronavirus.

“(c) Relationship to Paid Leave.—

“(1) In general.—An employee may elect to substitute any of the accrued vacation leave, personal leave, or medical or sick leave for leave under section 102(a)(1)(F) in accordance with section 102(d)(2)(B).
“(2) EMPLOYER REQUIREMENT.—An employer may not require an employee to substitute any leave as described in paragraph (1) for leave under section 102(a)(1)(F).

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

“(e) CERTIFICATION.—

“(1) IN GENERAL.—An employer may require that a request for leave under section 102(a)(1)(F) be supported by documentation described in paragraph (2). An employer may not require such documentation until not later than 3 weeks after the date on which the employee takes such leave.

“(2) SUFFICIENT CERTIFICATION.—The following documentation shall be sufficient certification:

“(A) With respect to leave taken for the purposes described in clause (i) or (ii) of subsection (a)(2)(A)—

“(i) a recommendation or order from a health authority having jurisdiction or a health care provider that the relevant indi—
vidual has symptoms of coronavirus or should be quarantined; or

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

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

“(f) **Restoration to Position.**—

“(1) **In general.**—Section 104(a)(1) shall not apply with respect to an employee of an employer who employs fewer than 25 employees if the conditions described in paragraph (2) are met.

“(2) **Conditions.**—The conditions described in this paragraph are the following:

“(A) The employee takes leave under section 102(a)(1)(F).

“(B) The position held by the employee when the leave commenced does not exist due to economic conditions or other changes in operating conditions of the employer—

“(i) that affect employment; and
“(ii) are caused by a public health crisis during the period of leave.

“(C) The employer makes reasonable efforts to restore the employee to a position equivalent to the position the employee held when the leave commenced, with equivalent employment benefits, pay, and other terms and conditions of employment.

“(D) If the reasonable efforts of the employer under subparagraph (C) fail, the employer makes reasonable efforts during the period described in paragraph (3) to contact the employee if an equivalent position described in subparagraph (C) becomes available.

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

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

“(B) the date that is 12 weeks after the date on which the employee’s leave under section 102(a)(1)(F) commences.”.
DIVISION E—EMERGENCY UNEMPLOYMENT INSURANCE STABILIZATION AND ACCESS ACT OF 2020

SEC. 101. SHORT TITLE.

This division may be cited as the “Emergency Unemployment Insurance Stabilization and Access Act of 2020”.

SEC. 102. EMERGENCY TRANSFERS FOR UNEMPLOYMENT COMPENSATION ADMINISTRATION.

(a) In General.—Section 903 of the Social Security Act (42 U.S.C. 1103) is amended by adding at the end the following:

“Emergency Transfers in Fiscal Year 2020 for Administration

“(h)(1)(A) In addition to any other amounts, the Secretary of Labor shall provide for the making of emergency administration grants in fiscal year 2020 to the accounts of the States in the Unemployment Trust Fund, by transfer from amounts reserved for that purpose in the Federal unemployment account, in accordance with succeeding provisions of this subsection.

“(B) The amount of an emergency administration grant with respect to a State shall, as determined by the Secretary of Labor, be equal to the amount obtained by
multiplying $1,000,000,000 by the same ratio as would apply under subsection (a)(2)(B) for purposes of determining such State’s share of any excess amount (as described in subsection (a)(1)) that would have been subject to transfer to State accounts, as of October 1, 2019, under the provisions of subsection (a).

“(C) Of the emergency administration grant determined under subparagraph (B) with respect to a State—

“(i) not later than 30 days after the date of enactment of this subsection, 50 percent shall be transferred to the account of such State upon a certification by the Secretary of Labor to the Secretary of the Treasury that the State meets the requirements of paragraph (2); and

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

“(2) The requirements of this paragraph with respect to a State are the following:
“(A) The State requires employers to provide notification of the availability of unemployment compensation to employees at the time of separation from employment. Such notification may be based on model language issued by the Secretary of Labor.

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

“(C) The State notifies applicants when an application is received and is being processed, and in any case in which an application is unable to be processed, provides information about steps the applicant can take to ensure the successful processing of the application.

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

“(A) The State has expressed its commitment to maintain and strengthen access to the unemployment compensation system, including through initial and continued claims.

“(B) The State has demonstrated steps it has taken or will take to ease eligibility requirements and access to unemployment compensation for claimants, including waiving work search requirements
and the waiting week, and directly or indirectly relieving benefit charges for claimants and employers directly impacted by COVID–19 due to an illness in the workplace or direction from a public health official to isolate or quarantine workers.

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

“(5) Not later than 1 year after the date of enactment of the Emergency Unemployment Insurance Stabilization and Access Act of 2020, each State receiving emergency administration grant funding under paragraph (1)(C)(i) shall submit to the Secretary of Labor, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate, a report that includes—

“(A) an analysis of the recipiency rate for unemployment compensation in the State as such rate has changed over time;

“(B) a description of steps the State intends to take to increase such recipiency rate.
“(6)(A) Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the employment security administration account (as established by section 901 of the Social Security Act) such sums as the Secretary of Labor estimates to be necessary for purposes of making the transfers described in paragraph (1)(C).

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

(b) Emergency Flexibility.—Notwithstanding any other law, if a State modifies its unemployment compensation law and policies (including with respect to work search, waiting week, good cause, and employer experience rating) on an emergency temporary basis as needed to respond to the spread of COVID–19, such modifications shall be disregarded for the purposes of applying section 303 of the Social Security Act and section 3304 of the Internal Revenue Code of 1986 to such State law.

(c) Regulations.—The Secretary of Labor may prescribe any regulations, operating instructions, or other guidance necessary to carry out the amendment made by subsection (a).
SEC. 103. TEMPORARY ASSISTANCE FOR STATES WITH ADVANCES.

Section 1202(b)(10)(A) of the Social Security Act (42 U.S.C. 1322(b)(10)(A)) is amended by striking “beginning on the date of enactment of this paragraph and ending on December 31, 2010” and inserting “beginning on the date of enactment of the Emergency Unemployment Insurance Stabilization and Access Act of 2020 and ending on December 31, 2020”.

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

The Secretary of Labor shall assist States in establishing, implementing, and improving the employer awareness of short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986) to help avert layoffs, including by providing technical assistance and guidance.

SEC. 105. FULL FEDERAL FUNDING OF EXTENDED UNEMPLOYMENT COMPENSATION FOR A LIMITED PERIOD.

(a) IN GENERAL.—In the case of sharable extended compensation and sharable regular compensation paid for weeks of unemployment beginning after the date of the enactment of this section and before December 31, 2020 (and only with respect to States that receive emergency administration grant funding under clauses (i) and (ii) of
section 903(h)(1)(C) of the Social Security Act (42 U.S.C. 1102(h)(1)(C)), section 204(a)(1) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) shall be applied by substituting “100 percent of” for “one-half of”.

(b) Temporary Federal Matching for the First Week of Extended Benefits for States With No Waiting Week.—With respect to weeks of unemployment beginning after the date of the enactment of this Act and ending on or before December 31, 2020, subparagraph (B) of section 204(a)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) shall not apply.

(c) Definitions.—For purposes of this section—

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

(2) the term “week” has the meaning given such term under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970.
(d) Regulations.—The Secretary of Labor may prescribe any operating instructions or regulations necessary to carry out this section.

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

SEC. 101. SHORT TITLE.

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

SEC. 102. DEFINITIONS.

In this Act:

(1) Child.—The term “child” means a biological, foster, or adopted child, a stepchild, a child of a domestic partner, a legal ward, or a child of a person standing in loco parentis.

(2) Domestic partner.—

(A) In general.—The term “domestic partner”, with respect to an individual, means another individual with whom the individual is in a committed relationship.

(B) Committed relationship defined.—The term “committed relationship” means a relationship between 2 individuals,
each at least 18 years of age, in which each individual is the other individual’s sole domestic partner and both individuals share responsibility for a significant measure of each other’s common welfare. The term includes any such relationship between 2 individuals, including individuals of the same sex, that is granted legal recognition by a State or political subdivision of a State as a marriage or analogous relationship, including a civil union or domestic partnership.

(3) DOMESTIC VIOLENCE.—The term “domestic violence” has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)), except that the reference in such section to the term “jurisdiction receiving grant monies” shall be deemed to mean the jurisdiction in which the victim lives or the jurisdiction in which the employer involved is located. Such term also includes dating violence, as that term is defined in such section.

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

(A)(i) an employee, as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)), who is not covered under
subparagraph (E), including such an employee of the Library of Congress, except that a reference in such section to an employer shall be considered to be a reference to an employer described in clauses (i)(I) and (ii) of paragraph (5)(A); or

(ii) an employee of the Government Accountability Office;

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

(C) a covered employee, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), other than an applicant for employment;

(D) a covered employee, as defined in section 411(c) of title 3, United States Code; or

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

(5) EMPLOYER.—

(A) IN GENERAL.—The term “employer” means a person who is—
(i)(I) a covered employer, as defined in subparagraph (B), who is not covered under subclause (V);

(II) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

(III) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

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

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

(ii) engaged in commerce (including government), or an industry or activity affecting commerce (including government), as defined in subparagraph (B)(iii).

(B) COVERED EMPLOYER.—

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

(I) means any person engaged in commerce or in any industry or activ-
ity affecting commerce who employs 1
or more employees;

(II) includes—

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

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

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

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

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

(iii) Definitions.—For purposes of
this subparagraph:

(I) Commerce.—The terms
"commerce" and "industry or activity
affecting commerce” mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include “commerce” and any “industry affecting commerce”, as defined in paragraphs (1) and (3) of section 501 of the Labor Management Relations Act, 1947 (29 U.S.C. 142 (1) and (3)).

(II) EMPLOYEE.—The term “employee” has the same meaning given such term in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(III) PERSON.—The term “person” has the same meaning given such term in section 3(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(a)).

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

(6) EMPLOYMENT BENEFITS.—The term “employment benefits” means all benefits provided or
made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an “employee benefit plan”, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).

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

(A)(i) is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

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

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

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

(A) can be—
(i) earned by an employee for use during an absence from employment for a reason described in any paragraph of section 3(b); or

(ii) provided by an employer during a public health emergency for use during an absence from employment for a reason described in any paragraph of section 3(b); and

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

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

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

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

(9) PARENT.—The term “parent” means a biological, foster, or adoptive parent of an employee, a stepparent of an employee, parent-in-law, parent of a domestic partner, or a legal guardian or other per-
son who stood in loco parentis to an employee when
the employee was a child.

(10) **Public Health Emergency.**—The term
“public health emergency” means a public health
emergency—

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

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

(i) emergent and acute; and

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

(11) **Secretary.**—The term “Secretary”
means the Secretary of Labor.

(12) **Sexual Assault.**—The term “sexual as-
sault” has the meaning given the term in section
40002(a) of the Violence Against Women Act of
1994 (34 U.S.C. 12291(a)).

(13) **Spouse.**—The term “spouse”, with re-
spect to an employee, has the meaning given such
term by the marriage laws of the State in which the
marriage was celebrated.
(14) STALKING.—The term “stalking” has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)).

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

(16) VICTIM SERVICES ORGANIZATION.—The term “victim services organization” means a non-profit, nongovernmental organization that provides assistance to victims of domestic violence, sexual assault, or stalking or advocates for such victims, including a rape crisis center, an organization carrying out a domestic violence, sexual assault, or stalking prevention or treatment program, an organization operating a shelter or providing counseling services, or a legal services organization or other organization providing assistance through the legal process.

SEC. 103. PAID SICK TIME.

(a) EARNING OF PAID SICK TIME.—

(1) IN GENERAL.—

(A) EARNING.—Subject to subsection (c) and paragraph (2), an employer shall provide each employee employed by the employer not less than 1 hour of earned paid sick time for
every 30 hours worked, to be used as described in subsection (b).

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

(2) EXEMPT EMPLOYEES.—

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

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

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

(A) IN GENERAL.—Employees shall begin to earn paid sick time under this subsection at the commencement of their employment. An
employee shall be entitled to use the earned
paid sick time beginning on the 60th calendar
day following commencement of the employee’s
employment. After that 60th calendar day, the
employee may use the paid sick time as the
time is earned. An employer may, at the discre-
tion of the employer, loan paid sick time to an
employee for use by such employee in advance
of the employee earning such sick time as pro-
vided in this subsection and may permit use be-
fore the 60th day of employment.

(B) Public Health Emergency.—Sub-
paragraph (A) shall not apply with respect to
additional paid sick time provided under sub-
section (c). In the event of a public health
emergency, an employee may immediately use
the additional or accrued paid sick time de-
scribed in subsection (c), regardless of how long
the employee has been employed by an em-
ployer.

(4) Carryover.—

(A) In General.—Except as provided in
subsection (B), paid sick time earned under
this subsection shall carry over from 1 year to
the next.
(B) Construction.—This subsection shall not be construed to require an employer to permit an employee to earn more than 56 hours of earned paid sick time at a given time.

(5) Employers with existing policies.—Any employer with a paid leave policy who makes available an amount of paid leave that is sufficient to meet the requirements of this subsection and that may be used for the same purposes and under the same conditions as the purposes and conditions outlined in subsection (b) shall not be required to permit an employee to earn more paid sick time under this subsection.

(6) Construction.—Nothing in this section shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee’s termination, resignation, retirement, or other separation from employment for earned paid sick time that has not been used.

(7) Employment under multiemployer bargaining agreements.—

(A) An employer signatory to a multiemployer collective bargaining agreement may fulfill its obligations under this Act by making contributions to a multiemployer fund, plan or
program based on the hours each of its employees accrues pursuant to this subsection (a) while working under the multiemployer collective bargaining agreement, provided that the fund, plan or program enables employees to secure pay from such fund, plan or program based on hours they have worked under the multiemployer collective bargaining agreement and for the uses specified under subsections (b)(1), (2), (6) and (7).

(B) Employees who work under a multiemployer collective bargaining agreement into which their employers make contributions as provided in subparagraph (A) may secure pay from such fund, plan or program based on hours they have worked under the multiemployer collective bargaining agreement for the uses specified under subsections (b)(1), (2), (6) and (7).

(8) REINSTATEMENT.—If an employee is separated from employment with an employer and is rehired, within 12 months after that separation, by the same employer, the employer shall reinstate the employee’s previously earned paid sick time under this subsection. The employee shall be entitled to use the
earned paid sick time and earn more paid sick time at the recommencement of employment with the employer.

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

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

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

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

(2) An absence resulting from obtaining professional medical diagnosis or care, or preventive medical care, for the employee.

(3) An absence resulting from the closure of an employee’s place of employment by order of a Federal or State public official with jurisdiction, or at
the employer’s discretion, due to a public health emergency.

(4) An absence because a Federal or State public official with jurisdiction or a health care provider has determined that the employee’s presence in the community may jeopardize the health of others because of the employee’s exposure to a communicable disease during a public health emergency, regardless of whether the employee has actually contracted the communicable disease.

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

(A) who is a child, if the child’s school or place of care has been closed by order of a Federal or State public official with jurisdiction or at the discretion of the school or place of care due to a public health emergency, including if a school or entity operating the place of care is physically closed but is providing education or care to the child remotely; or

(B) because a Federal or State public official with jurisdiction or a health care provider
has determined that the presence in the community of the person receiving care may jeopardize the health of others because of the person’s exposure to a communicable disease during a public health emergency, regardless of whether the person has actually contracted the communicable disease.

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

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

(B) who is a child, if the employee is required to attend a school meeting or a meeting at a place where the child is receiving care necessitated by the child’s health condition or disability; or

(C) who is otherwise in need of care.

(7) An absence resulting from domestic violence, sexual assault, or stalking, if the time is to—

(A) seek medical attention for the employee or the employee’s child, parent, spouse,
domestic partner, or an individual related to the employee as described in paragraph (6), to recover from physical or psychological injury or disability caused by domestic violence, sexual assault, or stalking;

(B) obtain or assist a related person described in paragraph (6) in obtaining services from a victim services organization;

(C) obtain or assist a related person described in paragraph (6) in obtaining psychological or other counseling;

(D) seek relocation; or

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

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

(1) ADDITIONAL PAID SICK TIME.—On the date of a declaration of a public health emergency, an employer in the jurisdiction involved shall provide each employee of the employer in that jurisdiction with additional paid sick time, in addition to any amount of paid sick time accrued by the employee
under subsection (a) (including paid leave referred
to in subsection (a)(4)).

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

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

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

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

(4) SEQUENCING.—During the public health
emergency, an employee may first use the additional
sick time for those purposes. The employee may then
use the accrued sick time during the public health emergency, or retain the accrued sick time for use after the public health emergency. An employer may not require an employee to use the accrued sick time, or any other paid leave provided by the employer to the employee, before using the additional sick time.

(5) Periods.—An employee may take the additional sick time on the schedule that meets the employee’s needs, consistent with subsection (b), including taking the additional sick time intermittently or on a reduced leave schedule, and an employer may not require an employee to take the additional sick time in a single period or on any other schedule specified by the employer.

(6) Reimbursement for Wages.—

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

(B) Reimbursement.—A qualified employer of an employee who uses additional paid sick time under this subsection during a public health emergency shall be reimbursed by the Secretary of the Treasury for the wages paid to
the employee for the period during which the employee used the additional paid sick time.

(C) Process.—To be eligible to receive such reimbursement, the qualified employer shall submit to the Secretary of Labor an affidavit that attests that the employer provided such additional paid sick time, and related records showing the period of and wages associated with the additional paid sick time. On the Secretary’s determination that the employer provided an amount of such additional paid sick time to an employee, the Secretary shall transmit the affidavit and records to the Secretary of the Treasury, and that Secretary shall provide timely reimbursement.

(d) Procedures.—

(1) In General.—Paid sick time shall be provided upon the oral or written request of an employee. Such request shall—

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

(B) in a case in which the need for such period of time is foreseeable at least 7 days in advance of such period, be provided at least 7 days in advance of such period; and
(C) otherwise, be provided as soon as practicable after the employee is aware of the need for such period.

(2) Certification in general.—

(A) Provision.—

(i) In general.—Subject to subparagraphs (C) and (D), an employer may require that a request for paid sick time under this section for a purpose described in paragraph (1), (2), or (6) of subsection (b) be supported by a certification issued by the health care provider of the eligible employee or of an individual described in subsection (b)(6), as appropriate, if the period of such time covers more than 3 consecutive workdays.

(ii) Timeliness.—The employee shall provide a copy of such certification to the employer in a timely manner, not later than 30 days after the first day of the period of time. The employer shall not delay the commencement of the period of time on the basis that the employer has not yet received the certification.

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

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

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

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

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

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

(cc) for purposes of such time
under subsection (b)(6), in the case of
time to care for someone who is not a
child, a statement that care is needed
for an individual described in such subsection, and an estimate of the amount of time that such care is needed for such individual.

(ii) LIMITATION.—In issuing a certification under subparagraph (A), a health care provider shall make reasonable efforts to limit the medical facts described in clause (i)(III) that are disclosed in the certification to the minimum necessary to establish a need for the employee to utilize paid sick time.

(C) PUBLIC HEALTH EMERGENCIES.—No certification or other documentation may be required under this Act by an employer during any public health emergency.

(D) REGULATIONS.—Regulations prescribed under section 12 shall specify the manner in which an employee who does not have health insurance shall provide a certification for purposes of this paragraph.

(E) CONFIDENTIALITY AND NONDISCLOSURE.—

(i) PROTECTED HEALTH INFORMATION.—Nothing in this Act shall be con-
strued to require a health care provider to disclose information in violation of section 1177 of the Social Security Act (42 U.S.C. 1320d–6) or the regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

(ii) HEALTH INFORMATION RECORDS.—If an employer possesses health information about an employee or an employee’s child, parent, spouse, domestic partner, or an individual related to the employee as described in subsection (b)(6), such information shall—

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

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

(III) not be disclosed except to the affected employee or with the permission of the affected employee.

(3) CERTIFICATION IN THE CASE OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING.—
(A) In General.—An employer may re-
quire that a request for paid sick time under
this section for a purpose described in sub-
section (b)(7) be supported by any one of the
following forms of documentation, but the em-
ployer may not specify the particular form of
documentation to be provided:

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

(ii) A court order protecting or sepa-
rating the employee or a member of the
employee’s family described in subsection
(b)(7) from the perpetrator of an act of
domestic violence, sexual assault, or stalk-
ing, or other evidence from the court or
prosecuting attorney that the employee or
a member of the employee’s family de-
scribed in subsection (b)(7) has appeared
in court or is scheduled to appear in court
in a proceeding related to domestic vio-
ence, sexual assault, or stalking.
(iii) Other documentation signed by an employee or volunteer working for a victim services organization, an attorney, a police officer, a medical professional, a social worker, an antiviolence counselor, or a member of the clergy, affirming that the employee or a member of the employee’s family described in subsection (b)(7) is a victim of domestic violence, sexual assault, or stalking.

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

(i) subclauses (III) and (IV) of subparagraph (B)(i) and subparagraph (B)(ii) of such paragraph shall not apply;

(ii) the certification shall state the reason that the leave is required with the facts to be disclosed limited to the minimum necessary to establish a need for the employee to be absent from work, and the employee shall not be required to explain the details of the domestic violence, sexual assault, or stalking involved; and
(iii) with respect to confidentiality under subparagraph (E) of such paragraph, any information provided to the employer under this paragraph shall be confidential, except to the extent that any disclosure of such information is—

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

(II) otherwise required by applicable Federal or State law.

SEC. 104. NOTICE REQUIREMENT.

(a) IN GENERAL.—Each employer shall notify each employee and include in any employee handbook the information described in paragraphs (1) through (4). Each employer shall post and keep posted a notice, to be prepared or approved in accordance with procedures specified in regulations prescribed under section 12, setting forth excerpts from, or summaries of, the pertinent provisions of this Act including—

(1) information describing paid sick time available to employees under this Act;

(2) information pertaining to the filing of an action under this Act;
(3) the details of the notice requirement for a foreseeable period of time under section 5(e)(1)(B); and

(4) information that describes—

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

(B) how the employee can contact the Secretary (or other appropriate authority as described in section 6) if any of the rights are violated.

(b) Location.—The notice described under subsection (a) shall be posted—

(1) in conspicuous places on the premises of the employer, where notices to employees (including applicants) are customarily posted; or

(2) in employee handbooks.

(c) Violation; Penalty.—Any employer who willfully violates the posting requirements of this section shall be subject to a civil fine in an amount not to exceed $100 for each separate offense.

SEC. 105. PROHIBITED ACTS.

(a) Interference With Rights.—

(1) Exercise of rights.—It shall be unlawful for any employer to interfere with, restrain, or deny
the exercise of, or the attempt to exercise, any right provided under this Act, including—

(A) discharging or discriminating against (including retaliating against) any individual, including a job applicant, for exercising, or attempting to exercise, any right provided under this Act;

(B) using the taking of paid sick time under this Act as a negative factor in an employment action, such as hiring, promotion, reducing hours or number of shifts, or a disciplinary action; or

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

(2) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against (including retaliating against) any individual, including a job applicant, for opposing any practice made unlawful by this Act.

(b) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against (including retaliating against) any individual, including a job applicant, because such individual—
(1) has filed an action, or has instituted or caused to be instituted any proceeding, under or related to this Act;

(2) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this Act; or

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

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

SEC. 106. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection—

(A) the term “employee” means an employee described in subparagraph (A) or (B) of section 2(4); and

(B) the term “employer” means an employer described in subclause (I) or (II) of section 2(5)(A)(i).

(2) INVESTIGATIVE AUTHORITY.—
(A) IN GENERAL.—To ensure compliance with the provisions of this Act, or any regulation or order issued under this Act, the Secretary shall have, subject to subparagraph (C), the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)), with respect to employers, employees, and other individuals affected.

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

(C) REQUIRED SUBMISSIONS GENERALLY LIMITED TO AN ANNUAL BASIS.—The Secretary shall not require, under the authority of this paragraph, an employer to submit to the Secretary any books or records more than once during any 12-month period, unless the Secretary has reasonable cause to believe there may exist a violation of this Act or any regulation or order issued pursuant to this Act, or is
investigating a charge pursuant to paragraph (4).

(D) SUBPOENA AUTHORITY.—For the purposes of any investigation provided for in this paragraph, the Secretary shall have the subpoena authority provided for under section 9 of the Fair Labor Standards Act of 1938 (29 U.S.C. 209).

(3) CIVIL ACTION BY EMPLOYEES OR INDIVIDUALS.—

(A) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in subparagraph (B) may be maintained against any employer in any Federal or State court of competent jurisdiction by one or more employees or individuals or their representative for and on behalf of—

(i) the employees or individuals; or

(ii) the employees or individuals and others similarly situated.

(B) LIABILITY.—Any employer who violates section 5 (including a violation relating to rights provided under section 3) shall be liable to any employee or individual affected—

(i) for damages equal to—
(I) the amount of—

(aa) any wages, salary, employment benefits, or other compensation denied or lost by reason of the violation; or

(bb) in a case in which wages, salary, employment benefits, or other compensation have not been denied or lost, any actual monetary losses sustained as a direct result of the violation up to a sum equal to 56 hours of wages or salary for the employee or individual, or the specified period described in section 3(c)(3), or a combination of those hours and that period, as the case may be;

(II) the interest on the amount described in subclause (I) calculated at the prevailing rate; and

(III) an additional amount as liquidated damages; and
(ii) for such equitable relief as may be appropriate, including employment, reinstatement, and promotion.

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

(4) ACTION BY THE SECRETARY.—

(A) ADMINISTRATIVE ACTION.—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of section 5 (including a violation relating to rights provided under section 3) in the same manner that the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6 and 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 and 207).

(B) CIVIL ACTION.—The Secretary may bring an action in any court of competent jurisdiction to recover the damages described in paragraph (3)(B)(i).

(C) SUMS RECOVERED.—Any sums recovered by the Secretary pursuant to subparagraph
(B) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each employee or individual affected. Any such sums not paid to an employee or individual affected because of inability to do so within a period of 3 years shall be deposited into the Treasury of the United States as miscellaneous receipts.

(5) LIMITATION.—

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

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

(C) COMMENCEMENT.—In determining when an action is commenced under paragraph (3), (4), or (6) for the purposes of this para-
graph, it shall be considered to be commenced
on the date when the complaint is filed.

(6) Action for injunction by Secretary.—
The district courts of the United States shall have
jurisdiction, for cause shown, in an action brought
by the Secretary—

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

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

(7) Solicitor of Labor.—The Solicitor of
Labor may appear for and represent the Secretary
on any litigation brought under paragraph (4) or
(6).

(8) Government Accountability Office
and Library of Congress.—Notwithstanding any
other provision of this subsection, in the case of the
Government Accountability Office and the Library of
Congress, the authority of the Secretary of Labor
under this subsection shall be exercised respectively
by the Comptroller General of the United States and
the Librarian of Congress.

(b) Employees Covered by Congressional Ac-
countability Act of 1995.—The powers, remedies, and
procedures provided in the Congressional Accountability
Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as de-
defined in section 101 of that Act (2 U.S.C. 1301)), or any
person, alleging a violation of subsection (a)(1) of section
202 of that Act (2 U.S.C. 1312) shall be the powers, rem-
edies, and procedures this Act provides to that Board, or
any person, alleging an unlawful employment practice in
violation of this Act against an employee described in sec-
tion 2(4)(C).

(c) Employees Covered by Chapter 5 of Title
3, United States Code.—The powers, remedies, and
procedures provided in chapter 5 of title 3, United States
Code, to the President, the Merit Systems Protection
Board, or any person, alleging a violation of section
412(a)(1) of that title, shall be the powers, remedies, and
procedures this Act provides to the President, that Board,
or any person, respectively, alleging an unlawful employ-
ment practice in violation of this Act against an employee
described in section 2(4)(D).
(d) Employees Covered by Chapter 63 of Title 5, United States Code.—The powers, remedies, and procedures provided in title 5, United States Code, to an employing agency, provided in chapter 12 of that title to the Merit Systems Protection Board, or provided in that title to any person, alleging a violation of chapter 63 of that title shall be the powers, remedies, and procedures this Act provides to that agency, that Board, or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 2(4)(E).

(e) Remedies for State Employees.—

(1) Waiver of sovereign immunity.—A State’s receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th Amendment to the Constitution or otherwise, to a suit brought by an employee of that program or activity under this Act for equitable, legal, or other relief authorized under this Act.

(2) Official capacity.—An official of a State may be sued in the official capacity of the official by any employee who has complied with the procedures under subsection (a)(3), for injunctive relief that is authorized under this Act. In such a suit the court
may award to the prevailing party those costs au-

torized by section 722 of the Revised Statutes (42

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

(4) DEFINITION OF PROGRAM OR ACTIVITY.—In
this subsection, the term “program or activity” has
the meaning given the term in section 606 of the

SEC. 107. EDUCATION AND OUTREACH.

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

SEC. 108. COLLECTION OF DATA ON PAID SICK TIME AND

FURTHER STUDY.

(a) COMPILATION OF INFORMATION.—The Commiss-
ioner of Labor Statistics shall annually compile informa-
tion on the following:

(1) The amount of paid sick time available to
employees by occupation and type of employment es-
establishment.
(2) An estimate of the average sick time used by employees according to occupation and the type of employment establishment.

(b) GAO Study.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study to evaluate the implementation of this Act. Such study shall include an estimation of employees’ access to paid sick time, employees’ awareness of their rights under this Act, and employers’ experiences complying with this Act. Such study shall take into account access, awareness and experiences of employees by race, ethnicity, gender, and occupation.

(c) Report.—Upon completion of the study required by subsection (b), the Comptroller General of the United States shall prepare and submit a report to the appropriate committees of Congress concerning the results of the study and the information compiled pursuant to subsection (a).

SEC. 109. EFFECT ON OTHER LAWS.

(a) Federal and State Antidiscrimination Laws.—Nothing in this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, disability, sexual orientation, gender identity,
marital status, familial status, or any other protected status.

(b) State and Local Laws.—Nothing in this Act shall be construed to supersede (including preempting) any provision of any State or local law that provides greater paid sick time or leave rights (including greater amounts of paid sick time or leave, or greater coverage of those eligible for paid sick time or leave) than the rights established under this Act.

SEC. 110. EFFECT ON EXISTING EMPLOYMENT BENEFITS.

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

(b) Less Protective.—The rights established for employees under this Act shall not be diminished by any contract, collective bargaining agreement, or any employment benefit program or plan.

SEC. 111. ENCOURAGEMENT OF MORE GENEROUS LEAVE POLICIES.

Nothing in this Act shall be construed to discourage employers from adopting or retaining leave policies more
generous than policies that comply with the requirements
of this Act.

SEC. 112. REGULATIONS.

(a) In general.—

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

(2) Government Accountability Office; Li-
brary of Congress.—Subject to subsection (e),
the Comptroller General of the United States and
the Librarian of Congress shall prescribe the regula-
tions with respect to employees of the Government
Accountability Office and the Library of Congress,
respectively, and other individuals affected by the
Comptroller General of the United States and the
Librarian of Congress, respectively.

(b) Employees Covered by Congressional Ac-
countability Act of 1995.—
(1) **Authority.**—Subject to subsection (e), not later than 90 days after the Secretary prescribes regulations under subsection (a), the Board of Directors of the Office of Compliance shall prescribe (in accordance with section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384)) such regulations as are necessary to carry out this Act with respect to employees described in section 2(4)(C) and other individuals affected by employers described in section 2(5)(A)(i)(III).

(2) **Agency Regulations.**—The regulations prescribed under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this Act except insofar as the Board may determine, for good cause shown and stated together with the regulations prescribed under paragraph (1), that a modification of such regulations would be more effective for the implementation of the rights and protections involved under this section.

(c) **Employees Covered by Chapter 5 of Title 3, United States Code.**—

(1) **Authority.**—Subject to subsection (e), not later than 90 days after the Secretary prescribes regulations under subsection (a), the President (or
the designee of the President) shall prescribe such
regulations as are necessary to carry out this Act
with respect to employees described in section
2(4)(D) and other individuals affected by employers
described in section 2(5)(A)(i)(IV).

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

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

(1) AUTHORITY.—Subject to subsection (e), not
later than 90 days after the Secretary prescribes
regulations under subsection (a), the Director of the
Office of Personnel Management shall prescribe such
regulations as are necessary to carry out this Act
with respect to employees described in section
2(4)(E) and other individuals affected by employers
described in section 2(5)(A)(i)(V).
(2) AGENCY REGULATIONS.—The regulations prescribed under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this Act except insofar as the Director may determine, for good cause shown and stated together with the regulations prescribed under paragraph (1), that a modification of such regulations would be more effective for the implementation of the rights and protections involved under this section.

(e) IMMEDIATE COMPLIANCE.—The rights and responsibilities specified in this Act shall take effect on the date of enactment of this Act and employers and other persons subject to those responsibilities shall comply immediately, without regard whether regulations have been prescribed under this section.

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 114. EFFECTIVE DATES.

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

(b) PREVIOUS DECLARATIONS.—If a public health emergency was declared before and remains in effect on
the date of enactment of this Act, for purposes of this Act (and in particular section 3(e) of this Act) the public health emergency shall be considered to have been declared on the date of enactment of this Act.

DIVISION G—HEALTH PROVISIONS

SEC. 101. COVERAGE OF TESTING FOR COVID–19.

(a) IN GENERAL.—A group health plan and a health insurance issuer offering group or individual health insurance coverage (including a grandfathered health plan (as defined in section 1251(e) of the Patient Protection and Affordable Care Act)) shall provide coverage, and shall not impose any cost sharing (including deductibles, copayments, and coinsurance) requirements or prior authorization or other medical management requirements, for the following items and services furnished during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)) beginning on or after the date of the enactment of this Act:

(1) In vitro diagnostic products (as defined in section 809.3(a) of title 21, Code of Federal Regulations) for the detection of SARS–CoV–2 or the diagnosis of the virus that causes COVID–19 that are approved, cleared, or authorized under section
510(k), 513, 515 or 564 of the Federal Food, Drug, and Cosmetic Act, and the administration of such in vitro diagnostic products.

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

(b) ENFORCEMENT.—The provisions of subsection (a) shall be applied by the Secretary of Health and Human Services, Secretary of Labor, and Secretary of the Treasury to group health plans and health insurance issuers offering group or individual health insurance coverage as if included in the provisions of part A of title XXVII of the Public Health Service Act, part 7 of the Employee Retirement Income Security Act of 1974, and subchapter B of chapter 100 of the Internal Revenue Code of 1986, as applicable.

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

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

SEC. 102. WAIVING COST SHARING UNDER THE MEDICARE PROGRAM FOR CERTAIN VISITS RELATING TO TESTING FOR COVID–19.

(a) IN GENERAL.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended—

(1) in subsection (a)(1)—

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

(B) by inserting before the period at the end the following: “, and (DD) with respect to a specified COVID–19 testing-related service described in paragraph (1) of subsection (cc) for which payment may be made under a specified outpatient payment provision described in paragraph (2) of such subsection, the amounts paid shall be 100 percent of the payment amount otherwise recognized under such respective specified outpatient payment provision for such service,”;

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

(A) by striking “and” before “(10)”;}
(B) by inserting before the period at the end the following: “, and (11) such deductible shall not apply with respect to any specified COVID–19 testing-related service described in paragraph (1) of subsection (cc) for which payment may be made under a specified outpatient payment provision described in paragraph (2) of such subsection”; and

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

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

“(1) DESCRIPTION.—

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

“(i) is in any of the categories of HCPCS evaluation and management service codes described in subparagraph (B);

“(ii) is furnished during any portion of the emergency period (as defined in section 1135(g)(1)(B) (beginning on or after the date of the date of the enactment of this subsection); and
“(iii) results in an order for or administration of a diagnostic test described in section 1852(a)(1)(B)(iv)(IV).

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

“(i) Office and other outpatient services.

“(ii) Hospital observation services.

“(iii) Emergency department services.

“(iv) Nursing facility services.

“(v) Domiciliary, rest home, or custodial care services.

“(vi) Home services.

“(2) SPECIFIED OUTPATIENT PAYMENT PROVISION.—A specified outpatient payment provision described in this paragraph is any of the following:

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

“(B) The physician fee schedule under section 1848.

“(C) The prospective payment system developed under section 1834(o).
“(D) Section 1834(g), with respect to an outpatient critical access hospital service.

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

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

(e) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, including amendments made by, this section through program instruction or otherwise.
SECTION 103. COVERAGE OF TESTING FOR COVID–19 AT NO COST SHARING UNDER THE MEDICARE ADVANTAGE PROGRAM.

(a) IN GENERAL.—Section 1852(a)(1)(B) of the Social Security Act (42 U.S.C. 1395w–22(a)(1)(B)) is amended—

(1) in clause (iv)—

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

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

“(IV) Clinical diagnostic laboratory test administered during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) beginning on or after the date of the enactment of the Families First Coronavirus Response Act for the detection of SARS–CoV–2 or the diagnosis of the virus that causes COVID–19 and the administration of such test.

“(V) Specified COVID–19 testing-related services (as described in section 1833(cc)(1)) for which payment would be payable under a speci-
fied outpatient payment provision de-
scribed in section 1833(ee)(2).”;

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

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

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

(b) IMPLEMENTATION.—Notwithstanding any other
provision of law, the Secretary of Health and Human
Services may implement the amendments made by this
section by program instruction or otherwise.
SECTION 104. COVERAGE AT NO COST SHARING OF COVID–19 TESTING UNDER MEDICAID AND CHIP.

(a) MEDICAID.—

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

(A) by striking “other laboratory” and inserting “(A) other laboratory”;

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

and

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

“(B) in vitro diagnostic products (as defined in section 809.3(a) of title 21, Code of Federal Regulations) administered during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) beginning on or after the date of the enactment of this subparagraph for the detection of SARS–CoV–2 or the diagnosis of the virus that causes COVID–19 that are approved, cleared, or authorized under section 510(k), 513, 515 or 564 of the Federal Food, Drug, and Cosmetic Act, and the administration of such in vitro diagnostic products;”.

(2) NO COST SHARING.—
(A) IN GENERAL.—Subsections (a)(2) and (b)(2) of section 1916 of the Social Security Act (42 U.S.C. 1396o) are each amended—

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

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

(iii) by adding at the end the following new subparagraphs:

“(F) any in vitro diagnostic product described in section 1905(a)(3)(B) that is administered during any portion of the emergency period described in such section beginning on or after the date of the enactment of this subparagraph (and the administration of such product), or

“(G) any medical visit for which payment may be made under the State plan, that is furnished during any such portion of such emergency period, and that relates to testing for COVID–19; and”.

(B) APPLICATION TO ALTERNATIVE COST SHARING.—Section 1916A(b)(3)(B) of the Social Security Act (42 U.S.C. 1396o–1(b)(3)(B))
is amended by adding at the end the following new clause:

“(xi) Any in vitro diagnostic product described in section 1905(a)(3)(B) that is administered during any portion of the emergency period described in such section beginning on or after the date of the enactment of this clause (and the administration of such product) and any visit described in section 1916(a)(2)(G) that is furnished during any such portion.”.

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

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

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

(i) in subparagraph (A)(ii)—

(I) in subclause (XXI), by striking “or” at the end;

(II) in subclause (XXII), by adding “or” at the end; and
(III) by adding at the end the following new subclause:

“(XXIII) during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) beginning on or after the date of the enactment of this subclause, who are uninsured individuals (as defined in subsection (ss));”; and

(ii) in the matter following subparagraph (G)—

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

(II) by inserting after “instead of through subclause (VIII)” the following: “, and (XVIII) the medical assistance made available to an uninsured individual (as defined in subsection (ss)) who is eligible for medical assistance only because of subparagraph (A)(ii)(XXIII) shall be limited to medical assistance for any in vitro diagnostic product described in section 1905(a)(3)(B) that is administered during any portion of the emer-
emergency period described in such section beginning on or after the date of the enactment of this subclause (and the administration of such product) and any visit described in section 1916(a)(2)(G) that is furnished during any such portion”.


(C) Uninsured Individual Defined.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

“(ss) Uninsured Individual Defined.—For purposes of this section, the term ‘uninsured individual’ means, notwithstanding any other provision of this title, any individual who is—

“(1) not described in subsection (a)(10)(A)(i); and
“(2) not enrolled in a Federal health care program (as defined in section 1128B(f)), a group health plan, group or individual health insurance coverage offered by a health insurance issuer (as such terms are defined in section 2791 of the Public Health Service Act), or a health plan offered under chapter 89 of title 5, United States Code.”.

(D) FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by adding at the end the following new sentence: “Notwithstanding the first sentence of this section, the Federal medical assistance percentage shall be 100 per centum with respect to (and, notwithstanding any other provision of this title, available for) medical assistance provided to uninsured individuals (as defined in section 1902(ss)) who are eligible for such assistance only on the basis of section 1902(a)(10)(A)(ii)(XXIII) and with respect to expenditures described in section 1903(a)(7) that a State demonstrates to the satisfaction of the Secretary are attributable to administrative costs related to providing for such medical as-
sistance to such individuals under the State plan.”.

(b) CHIP.—

(1) IN GENERAL.—Section 2103(c) of the Social Security Act (42 U.S.C. 1397cc(c)) is amended by adding at the end the following paragraph:

“(9) CERTAIN IN VITRO DIAGNOSTIC PRODUCTS FOR COVID–19 TESTING.—The child health assistance provided to a targeted low-income child shall include coverage of any in vitro diagnostic product described in section 1905(a)(3)(B) that is administered during any portion of the emergency period described in such section beginning on or after the date of the enactment of this subparagraph (and the administration of such product).”.

(2) COVERAGE FOR TARGETED LOW-INCOME PREGNANT WOMEN.—Section 2112(b)(4) of the Social Security Act (42 U.S.C. 1397ll(b)(4)) is amended by inserting “under section 2103(c)” after “same requirements”.

(3) PROHIBITION OF COST SHARING.—Section 2103(e)(2) of the Social Security Act (42 U.S.C. 1397cc(e)(2)) is amended—
(A) in the paragraph header, by inserting
“COVID–19 TESTING,” before “OR PREGNANCY-
RELATED ASSISTANCE”; and

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

SEC. 105. LABORATORY REIMBURSEMENT FOR DIAGNOSTIC
TESTING FOR COVID–19 IN UNINSURED INDIVIDUALS.

(a) Reimbursement.—Through the National Dis-
aster Medical System under section 2812 of the Public
Health Service Act (42 U.S.C. 300hh–11), and in coordi-
nation with the Administrator of the Centers for Medicare
& Medicaid Services, the Secretary of Health and Human
Services shall, subject to the availability of appropriations
under subsection (e), pay the claims of laboratories for
reimbursement, as described in subsection (a)(3)(D) of
such section 2812, for health services consisting of diag-
nostic testing to detect or diagnose COVID–19 in unin-
sured individuals. The amount that will be paid shall be
equal to the amount that would have been paid to a physi-
section 1833(h)(8) of the Social Security Act.

(b) DEFINITION.—In this section, the term “uninsured individual” means an individual who is not enrolled in—

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

(2) a group health plan or health insurance coverage offered by a health insurance issuer in the group or individual market (as such terms are defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91)) or a health plan offered under chapter 89 of title 5, United States Code.

(c) FUNDING.—To carry out this section, there is authorized to be appropriated, and there is hereby appropriated, out of amounts in the Treasury not otherwise obligated, $1,000,000,000, to remain available until expended.

SEC. 106. TREATMENT OF PERSONAL RESPIRATORY PROTECTIVE DEVICES AS COVERED COUNTERMEASURES.

Section 319F–3(i)(1) of the Public Health Service Act (42 U.S.C. 247d–6d(i)(1)) is amended—
(1) in subparagraph (B), by striking “or” at the end; and

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

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

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

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

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

“(iii) used during the period begin-
ning on January 31, 2020, and ending on
October 1, 2024, in response to the public
health emergency declared on January 31,
2020, pursuant to section 319 as a result
of confirmed cases of 2019 Novel Coronavirus (2019-nCoV).”.

SEC. 107. APPLICATION WITH RESPECT TO TRICARE, COVERAGE FOR VETERANS, AND COVERAGE FOR FEDERAL CIVILIANS.

(a) TRICARE.—The Secretary of Defense may not require any copayment or other cost sharing under chapter 55 of title 10, United States Code, for in vitro diagnostic products described in paragraph (1) of section 101(a) (or the administration of such products) or visits described in paragraph (2) of such section furnished during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)) beginning on or after the date of the enactment of this Act.

(b) VETERANS.—The Secretary of Veterans Affairs may not require any copayment or other cost sharing under chapter 17 of title 38, United States Code, for in vitro diagnostic products described in paragraph (1) of section 101(a) (or the administration of such products) or visits described in paragraph (2) of such section furnished during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)) beginning on or after the date of the enactment of this Act.
(c) Federal Civilians.—No copayment or other cost sharing may be required for any individual occupying a position in the civil service (as that term is defined in section 2101(1) of title 5, United States Code) enrolled in a health benefits plan, including any plan under chapter 89 of title 5, United States Code, or for any other individual currently enrolled in any plan under chapter 89 of title 5 for diagnostic tests” after “including any plan under chapter 89 of title 5, United States Code), for in vitro diagnostic products described in paragraph (1) of section 101(a) (or the administration of such products) or visits described in paragraph (2) of such section furnished during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)) beginning on or after the date of the enactment of this Act.

SEC. 108. COVERAGE OF TESTING FOR COVID–19 AT NO COST SHARING FOR INDIANS RECEIVING CONTRACT HEALTH SERVICES.

The Secretary of Health and Human Services shall cover, without the imposition of any cost sharing requirements, the cost of providing any COVID-19 related items and services as described in paragraph (1) of section 101(a) (or the administration of such products) or visits described in paragraph (2) of such section furnished dur-
ing any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 320b–5(g)) beginning on or after the date of the enactment of this Act to Indians (as defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603)) receiving health services through the Indian Health Service, regardless of whether such items or services have been authorized under the contract health services system funded by the Indian Health Service or is covered as a health service of the Indian Health Service.

SEC. 109. TEMPORARY INCREASE OF MEDICAID FMAP.

(a) IN GENERAL.—Subject to subsection (b), for each calendar quarter occurring during the period beginning on the first day of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)) and ending on the last day of the calendar quarter in which the last day of such emergency period occurs, the Federal medical assistance percentage determined for each State, including the District of Columbia, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the United States Virgin Islands, under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) shall be increased by 8 percentage points.
(b) Requirement for All States.—A State described in subsection (a) may not receive the increase described in such subsection in the Federal medical assistance percentage for such State, with respect to a quarter, if—

(1) eligibility standards, methodologies, or procedures under the State plan of such State under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or section 1115 of such Act (42 U.S.C. 1315)) are more restrictive during such quarter than the eligibility standards methodologies, or procedures, respectively, under such plan (or waiver) as in effect on January 1, 2020;

(2) the amount of any premium imposed by the State pursuant to section 1916 or 1916A of such Act (42 U.S.C. 1396o, 1396o–1) during such quarter, with respect to an individual enrolled under such plan (or waiver), exceeds the amount of such premium as of January 1, 2020;

(3) the State terminates or denies the enrollment of any individual under such plan (or waiver) during such quarter for a reason other than a failure to satisfy financial, categorical, and State resi-
(4) the State does not provide coverage under such plan (or waiver), without the imposition of cost sharing, during such quarter for any testing services and treatments for COVID–19, including vaccines, specialized equipment, and therapies; or

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

(e) Requirement for Certain States.—Section 1905(cc) of the Social Security Act (42 U.S.C. 1396d(cc)) is amended by striking “American Recovery and Reinvestment Act of 2009.” and inserting “and section 109 of the Families First Coronavirus Response Act, except that in applying such treatments to the increases in the Federal medical assistance percentage under section 109 of the Families First Coronavirus Response Act, the reference to ‘December 31, 2009’ shall be deemed to be a reference to ‘March 11, 2020’.”.
SEC. 110. INCREASE IN MEDICAID ALLOTMENTS FOR TERRITORIES.

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

(1) in paragraph (2)—

(A) in subparagraph (B)—

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

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

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

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

(B) in subparagraph (C)—

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

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

(iii) by adding at the end the following new clause:
“(iii) for fiscal year 2021, $130,500,000;”;

(C) in subparagraph (D)—

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

(ii) in clause (ii), by striking “for each of fiscal years 2020 through 2021, $60,000,000; and” and inserting “for fiscal year 2020, $64,000,000; and”; and

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

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

(D) in subparagraph (E)—

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

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

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

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

(2) in paragraph (6)(A)—
DIVISION H—BUDGETARY EFFECTS

SEC. 101. BUDGETARY EFFECTS.

(a) Statutory PAYGO Scorecards.—The budgetary effects of division B and each succeeding division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) Senate PAYGO Scorecards.—The budgetary effects of division B and each succeeding division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) Classification of Budgetary Effects.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the
budgetary effects of division B and each succeeding division shall not be estimated—

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

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.